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TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1948 Cotton Loan Instructions, Supp. 4]

PART 256—COTTON LOANS

ADVANCE LOANS

The 1948 Cotton Loan Instructions (1948 C. C. C. Cotton Form 1) (13 F. R. 4338) as amended, are hereby further amended by adding § 256.243 to read as follows:

§ 256.243 *Advance loans.* (a) Commodity Credit Corporation (hereinafter called "CCC") will make advance loans available to producers on warehouse stored cotton in areas where producers are experiencing difficulty in securing loans under the regular 1948 Cotton Loan Program of CCC because of undue delay in the classification of their cotton by Boards of Cotton Examiners of the United States Department of Agriculture. Loans under the program will be available upon the terms and conditions stated in §§ 256.221 to 256.237, and § 256.240, except as follows:

(1) Loans will be available to producers only in those states and counties in which a determination has been made by the appropriate State PMA Committee that a need for the program exists and only during the period in which the Committee determines that the program is needed. Upon making a determination that the program is required, the State PMA Committee will notify the County Agricultural Conservation Committees (hereinafter called "county committees") for the counties in which the loans will be available. When the State PMA Committee determines that the program is no longer required, it will instruct the county committees to discontinue the program.

(2) In order to be eligible for a loan, cotton must not have been classed by a Board of Cotton Examiners and must otherwise meet the requirements specified in paragraph (b) of § 256.221.

(3) The amount of the loan on each bale will be \$50.

(4) Loans may be obtained only through county committees. Producers who wish to obtain loans should take the warehouse receipts representing their

cotton to the county committees, which will assist the producers in the preparation and execution of 1948 Cotton Producer's Note and Loan Agreements. Producers must execute a separate loan form for each bale of cotton on which a loan is obtained. The Warehouseman's Certificate and Storage Agreement thereon will not be executed by the warehouseman. The Clerk's Certificate thereon will be executed by an approved clerk employed by the county committee, and the county committee will collect a fee from the producer for its services at not to exceed the fee specified in § 256.227. The county committee will disburse the amounts of loans by issuing sight drafts on CCC.

(5) It is anticipated that producers will ordinarily repay their loans by converting them to loans under the regular 1948 Cotton Loan Program of CCC, as provided in paragraph (b) of this section. However, where a producer does not wish to follow this method, he may repay a loan by payment to the county committee from which the loan was obtained of the amount due on the loan. The producer's copy of the note must accompany the payment. The payment should be made by postal money order, cashier's check, or certified check, payable to "Commodity Credit Corporation." Upon receipt of payment, the county committee will mark the note "Paid" and return the note and warehouse receipt to the producer.

(b) When producers obtain the classification by a Board of Cotton Examiners of cotton on which they have received advance loans as provided in paragraph (a) of this section, they may obtain loans on such cotton under the regular 1948 Cotton Loan Program of CCC. The provisions of §§ 256.221 to 256.237, § 256.239, and § 256.240 will be applicable to such loans, except as follows:

(1) Loans may be obtained only through county committees. The producer must take his duplicate copies of the 1948 Cotton Producer's Note and Loan Agreements evidencing the advance loans on his cotton to the county committee from which the advance loans were obtained. The county committee will assist the producer in the preparation and execution of a 1948 Cotton Producer's Note and Loan Agreement to evidence the loan, and an approved clerk

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employed by the county committee will execute the Clerk's Certificate thereon. If the producer is listed on the county debt register as indebted to the United States or any agency or corporation thereof, he shall designate such agency or corporation as the payee of the proceeds of the loan to the extent of such indebtedness. Indebtedness owing to CCC shall be given first consideration. Both copies of the loan form, the notes evidencing the advance loans on the cotton, and the warehouse receipts representing the cotton will be transmitted by the county committee to the State PMA committee. The county committee will collect a fee from the producer at the time loan documents are prepared for its services at not to exceed the fee specified in § 256.227.

(2) Upon receipt of loan documents as provided above, the State PMA Committees will disburse the loan proceeds in accordance with the directions of the producer contained in the loan form by issuance of sight drafts on CCC for the difference between the loan value of the cotton and the amount due on the advance loans on the cotton. The State PMA Committee will mark the notes evidencing the advance loans "Paid" and return the duplicate copy of the loan form to the producer. The producer should keep this duplicate copy for future use in repaying the loan or selling his equity in the cotton, which must be done in accordance with the provisions of paragraph (a) of § 256.237. (Sec. 302, 52 Stat. 43, as amended, sec. 4 (a), 55 Stat. 498, as amended, sec. 1 (b) 62 Stat. 1247, 62 Stat. 1070; 7 U. S. C. 1302, 15 U. S. C. 713a-8 (a))

Issued this 16th day of November 1948.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 48-10119; Filed, Nov. 18, 1948; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 903—MILK IN THE ST. LOUIS, MO., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 903.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the previous findings and determinations made in connection with the issuance of this order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure, as amended, covering the formulation of marketing agreements and orders (7 CFR, Supp., 900.1 et seq.) a public hearing was held on July 7 to 9, 1948, all dates inclusive, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. The recommended decision (13 F. R. 5337) was made by the Assistant Administrator of the Production and Marketing Administration on September 9, 1948, and the decision was made by the Secretary on November 9, 1948. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 2e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, in-

sure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest, to make the amendment hereafter set forth effective by not later than November 18, 1948, so as to reflect current marketing conditions. Any delay beyond November 18, 1948, in the effective date of this amendment to the order, as amended, will seriously threaten the supply of milk for the St. Louis, Missouri, marketing area. The changes effected by this order amending the order, as amended, do not require substantial or extensive preparation by persons affected prior to the effective date. Accordingly it is concluded that good cause exists for making this amendment effective within less than 30 days after the date of publication. (Sec. 4 (c), Administrative Procedures Act, Pub. Law 404, 79th Cong., 60 Stat. 237)

(c) *Determinations.* It is hereby determined that handlers (excluding co-operative associations of producers who are not engaged in processing distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by this order, as amended and as hereby further amended, which is marketed within the St. Louis, Missouri, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, further amending the aforesaid order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (June 1948) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete the period (.) at the end of § 903.4 (a) (1) and add the following: "Provided, That from the effective date hereof to and including December 1948 the price of Class I milk shall be the price computed under subparagraph (3) of this paragraph, plus \$1.81 per hundred-

weight; and for the delivery periods of January through March 1949 the price of Class I milk shall be the price computed under subparagraph (3) of this paragraph plus \$1.33 per hundredweight.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq., sec. 102, Reorg. Plan 1 of 1947, 12 F. R. 4534)

Issued in Washington, D. C., this 15th day of November 1948, to be effective on and after the 18th day of November 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-10122; Filed, Nov. 18, 1948; 8:53 a. m.]

Chapter XXI—Organization, Functions, and Procedures

PART 2207—OFFICE OF PLANT AND OPERATIONS

DISCONTINUANCE OF CODIFICATION

NOVEMBER 9, 1948.

The codification of Part 2207 is hereby discontinued. Future amendments to descriptions of the organization and functions will appear in the Notices section of the FEDERAL REGISTER.

[SEAL] ARTHUR B. THATCHER,
*Chief,
Office of Plant and Operations.*

[F. R. Doc. 48-10120; Filed, Nov. 18, 1948; 8:58 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

EDITORIAL CHANGES INCIDENT TO PREPARATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

In order to conform Chapter I of Title 8 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519) the following editorial changes are made, effective upon publication in the FEDERAL REGISTER.

1. The codification of Part 1, and §§ 60.1, 60.2, 90.1, 90.17, 90.49, and 90.50 is hereby discontinued. Future amendments to these provisions, which describe the organization of the Immigration and Naturalization Service, will appear in the Notices section of the FEDERAL REGISTER.

2. The headnote of Subchapter A is amended to read "General Provisions."

3. The headnote of Part 60 is amended to read "Field Officers; Powers and Duties."

4. The headnote of Part 90 is amended to read "Board of Immigration Appeals."

5. The codification of §§ 95.9, 175.63, and 177.62 is hereby discontinued.

WATSON B. MILLER,
*Commissioner of
Immigration and Naturalization.*

Approved: November 16, 1948.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 48-10090; Filed, Nov. 18, 1948; 8:49 a. m.]

TITLE 15—COMMERCE

Chapter V—Weather Bureau, Department of Commerce

EDITORIAL CHANGES INCIDENT TO PREPARATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

In order to conform Chapter V of Title 15 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519), the following editorial changes are made, effective upon publication in the FEDERAL REGISTER:

1. The codification of Part 500, "Creation of Agency," Part 501, "Purpose," Part 502, "Organization," Part 503, "Operational Procedure," and Part 504, "Weather Service," is discontinued. Future amendments to this material will appear in the Notices section of the FEDERAL REGISTER.

2. Part 505, "Rules for Guidance of the Public," is redesignated Part 501, and §§ 505.1 to 505.6 thereunder as amended are redesignated §§ 501.1 to 501.6 respectively.

3. Part 506, "Award of Fellowships in Meteorology," is redesignated Part 502, and §§ 506.1 to 506.6 thereunder are redesignated to §§ 502.1 to 502.6, respectively.

[SEAL] F. W. REICHELDERFER,
Chief of Bureau.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-10041; Filed, Nov. 18, 1948; 8:55 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes [T. D. 5657]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

EXCLUSION OF EARNINGS OF FOREIGN SHIPS AND AIRCRAFT FROM GROSS INCOME

On August 19, 1948, notice of proposed rule making regarding Public Law 514 (80th Congress) approved May 4, 1948, was published in the FEDERAL REGISTER (13 F. R. 4794). No objection to the rules proposed having been received, the following amendments are hereby adopted. Such amendments are necessary in order to conform Regulations 111 (26 CFR Part 29) to Public Law 514.

PARAGRAPH 1. There is inserted immediately preceding § 29.212-1 the following:

PUBLIC LAW 514 (80TH CONGRESS) APPROVED MAY 4, 1948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled: That (a) section 212 (b) of the Internal Revenue Code (relating to income of nonresident alien individuals) is hereby amended to read as follows:

(b) *Exclusions.* The following items shall not be included in gross income of a non-

resident alien individual and shall be exempt from taxation under this chapter:

(1) *Ships under foreign flag.* Earnings derived from the operation of a ship or ships documented under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States;

(2) *Aircraft of foreign registry.* Earnings derived from the operation of aircraft registered under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States;

SEC. 2. The amendments made by this Act shall be applicable with respect to taxable years beginning after December 31, 1945.

PAR. 2. Section 29.212-2 is amended:

(A) By inserting in the heading after the words "foreign ships" the words "or aircraft" by inserting immediately before the first sentence the subheading "(a) Ships under foreign flag," and by striking out the word "section" at the end of the first paragraph and inserting in lieu thereof the word "paragraph"

(B) By inserting at the end of such section the following new paragraph:

(b) *Aircraft of foreign registry.* For taxable years beginning after December 31, 1945, so much of the income from sources within the United States of a nonresident alien individual who at any time within the taxable year was engaged in trade or business within the United States as consists of earnings derived from the operation of aircraft registered under the laws of a foreign country which grants an equivalent exemption to citizens of the United States nonresident in such foreign country and to corporations organized in the United States, shall not be included in gross income. Foreign countries which either impose no income tax, or, in imposing such tax, exempt from taxation so much of the income of a citizen of the United States nonresident in such foreign country and of a corporation organized in the United States as consists of earnings derived from the operation of aircraft registered under the laws of the United States are considered as granting an equivalent exemption within the meaning of this paragraph.

A nonresident alien individual not engaged in trade or business within the United States at any time within the taxable year is not required to include in gross income such income from sources within the United States as is derived from the operation of aircraft, whether or not the foreign country under the laws of which such aircraft are registered meets the equivalent exemption requirement of the Internal Revenue Code.

PAR. 3. There is inserted immediately preceding § 29.231-1 the following:

PUBLIC LAW 514 (80TH CONGRESS) APPROVED
MAY 4, 1948

(b) Section 231 (d) of the Internal Revenue Code (relating to income of foreign corporations) is hereby amended to read as follows:

(d) *Exclusions.* The following items shall not be included in gross income of a foreign corporation and shall be exempt from taxation under this chapter:

(1) *Ships under foreign flag.* Earnings derived from the operation of a ship or ships

documented under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States;

(2) *Aircraft of foreign registry.* Earnings derived from the operation of aircraft registered under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States.

SEC. 2. The amendments made by this act shall be applicable with respect to taxable years beginning after December 31, 1945.

PAR. 4. Section 29.231-3 is amended:

(A) By inserting in the heading after the words "foreign ships" the following: "or aircraft"

(B) By inserting after the word "documented" appearing in the first and second paragraphs the following: "or aircraft registered"

(C) By inserting in the second paragraph after the words "ship or ships" the following "or aircraft"

(53 Stat. 32; 26 U. S. C. 62)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: November 15, 1948.

THOMAS J. LYNNCH,
Acting Secretary of the Treasury.

[F. R. Dec. 48-10694; Filed, Nov. 18, 1948;
8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—American Battle Monuments Commission

EDITORIAL CHANGES INCIDENT TO PUBLICATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

In order to conform the material in this chapter to the scope and style of the Code of Federal Regulations, 1949 Edition, as prescribed by the Regulations of the Administrative Committee of the Federal Register and approved by the President effective October 12, 1948 (13 F. R. 5929), the following editorial changes are made, effective upon their publication in the FEDERAL REGISTER.

1. Codification of Subpart A—Organization, of Part 500, is discontinued. Future amendments to the statement of organization under section 3 (a) (1) of the Administrative Procedure Act will be published in the Notices section of the FEDERAL REGISTER. For the purpose of such amendments §§ 500.1-500.3 are redesignated sections 1-3.

2. Section 500.20 (a) is deleted.

3. The remainder of the material is transferred to Chapter IV of Title 36 and recodified as Parts 401-403 of that title, *infra*.

THE AMERICAN BATTLE MONU-
MENTS COMMISSION,
ROBERT G. WOODSIDE,
Acting Chairman.

[F. R. Dec. 48-10674; Filed, Nov. 18, 1948;
8:46 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 5, Amdt. 1]

PART 8305—SURPLUS REAL PROPERTY

War Assets Administration Regulation
5, July 30, 1948, entitled "Surplus Real

Property" (13 F. R. 4736) is hereby amended as follows:

1. Paragraph (b) of § 8305.4 is amended as follows:

§ 8305.4 *Declarations.* * * *

(b) *Reservations, restrictions, conditions; industrial plants.* (1) In connection with the declaration of shipyards, plants, and equipment hereunder the Secretary of Defense may direct the imposition of such terms, conditions, restrictions and reservations on the disposal of the property as will, in his judgment, be adequate to assure the continued availability of such property for war production purposes as may be required in the interest of national defense.

(2) In the event the disposal agency is unable to dispose of any such industrial plant and equipment subject to such terms, conditions, restrictions, or reservations within a reasonable time, it shall notify the Secretary of Defense, indicating such modifications in the terms, conditions, restrictions, or reservations which, in its judgment, would make possible disposal of the plant. The Secretary of Defense shall thereupon either (i) consider and agree to any or all such proposed modifications; or (ii) direct the transfer of such plant or equipment in the manner prescribed in Public Law 883, 80th Congress.

2. Section 8305.6 is deleted.

3. Section 8305.10 is amended to read as follows:

§ 8305.10 *Revocable leases or permits.* A temporary lease or permit may be granted by the disposal agency having custody of the property to place surplus real property in productive use: *Provided*, That such lease or permit shall be made revocable on not to exceed thirty (30) days' notice by the disposal agency having jurisdiction of the property, and, *Provided further*, That the use and occupation will not interfere with, delay, or retard the disposition of the property. In such cases, an immediate right of entry to such property may be granted pending execution of the formal lease or permit. Unless otherwise authorized by the Administration, the lease or permit shall be for a consideration that is fair and reasonable under all the circumstances, with or without cash consideration, and shall be on such terms and conditions as are deemed appropriate to protect the interests of the United States. In the event the disposal agency has not assumed physical custody and control, and accountability, of the property at the time the permit is to be issued, the issuance of the permit and the grant of immediate right of entry shall be by the owning agency, upon prior written authorization of the Administration.

4. Paragraph (a) of § 8305.11 is amended to read as follows:

§ 8305.11 *Easements—(a) To owner of servient estate.* The disposal agency, or the owning agency in the event the disposal agency after the filing of an acceptable declaration has not assumed physical custody and control and accountability of the property at the time,

may, with or without consideration, dispose of an easement to the owner of the land which is subject to the easement when it is determined that the easement has no commercial value and is no longer needed: *Provided*, That, when any such easement was acquired for a substantial consideration such disposal shall be made at a consideration that is fair and reasonable under all the circumstances with due regard for any portion of the purchase price paid for severance damages.

5. Section 8305.20 is amended to read as follows:

§ 8305.20 *Civilian components of the armed forces.* Real property, including improvements and equipment located thereon, may be conveyed or disposed of to the State or local government, in which the property is located, without monetary consideration, except for reimbursement for any costs of disposal including surveys, expenses of removal of any machinery, equipment, or personal property not transferred as part thereof and any other incidental costs incurred by the disposal agency in connection with the transfer. Such transfers shall be made only upon application therefor by the Governor of the State in which the property is situated and upon a certification by such Governor and by the Secretary of the Army, Secretary of the Navy, or Secretary of the Air Force that such property is suitable and needed for use in training and maintaining a civilian component of the armed forces under such Governor's and Secretary's respective jurisdiction. Conveyances of property hereunder shall be made subject to the following terms and conditions:

(a) The property shall be used and maintained for the purpose for which it is conveyed for a period of twenty (20) years: *Provided*, That the Administration may prescribe such other period as it may deem proper in any case: *Provided further* That in the event such property ceases to be used or maintained for such purpose during such twenty (20) year period or such period as may have been designated by the Administration, title to the property shall, in its then existing condition, and at the option of the War Assets Administration, or its successor, revert to the United States.

(b) Such other additional terms, reservations, restrictions, and conditions as may be included by the War Assets Administration.

6. Section 8305.24 is deleted.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611) Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b) Reorg. Plan 1 of 1947 (12 F. R. 4534) Pub. Law 289, 80th Cong., and Public Law 883, 80th Cong.)

This amendment shall become effective November 18, 1948.

JESS LARSON,
Administrator

NOVEMBER 10, 1948.

[F. R. Doc. 48-10172; Filed, Nov. 18, 1948; 11:27 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

CHESTER RIVER, CRUMPTON, MD., AND BAYOU GROSSE TETE, GROSSE TETE, LA.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499) § 203.241 (f) is hereby amended by adding a subparagraph relating to the Maryland State Roads Commission bridge across Chester River at Crumpton, Maryland, and by combining the two subparagraphs relating to bridges across Grosse Tete Bayou, as follows:

§ 203.241 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(f) The bridges to which this section applies, and the special regulations applicable in each case, are as follows:

* * * Chester River, Md., Maryland State Roads Commission bridge at Crumpton, Md. (From November 1 to March 31, inclusive, between sunrise and sunset, at least six hours' advance notice required. During this period, between sunset and sunrise, the draw need not be opened for the passage of vessels. From April 1 to October 31, inclusive, the regulations contained in § 203.240 shall govern the operation of this bridge.)

* * * Bayou Grosse Tete, La., The Texas and Pacific Railway Company bridge at Grosse Tete, and Louisiana Department of Highways bridge near Rosedale, La. (At least 48 hours' advance notice required.)

[Regs. Oct. 26, 1948, 823.01—ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-10091; Filed, Nov. 18, 1948; 8:49 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 28—PHOTOGRAPHING

By virtue of the authority vested in the Governor by section 15 of title 2 of the Canal Zone Code, as added by act December 12, 1941 (ch. 569, 55 Stat. 798; 48 U. S. Code, sec. 1337) and having, in the interests of the protection of the Panama Canal and Canal Zone, determined that the parts or features of the Panama Canal and the areas, objects, installations, or structures within the Canal Zone, which are hereinafter described, require protection against the general dissemination of information relating thereto, I hereby prescribe the following regulations which shall take effect on August 20, 1948, and shall on that date supersede the Governor's regulations of

July 31, 1942, as amended (35 CFR, Cum. Supp., Part 28) pertaining to the same subject:

Sec.

- 28.1 Areas, objects, or structures, the photographing, etc., of which is prohibited.
- 28.2 Photographing, etc., prohibited from airspace above Canal Zone.
- 28.3 "Competent authority" defined.
- 28.4 Exceptions as to activities in course of official duties.
- 28.5 Punishment for violations.

AUTHORITY: §§ 28.1 to 28.5 issued under Canal Zone Code, title 2, sec. 15, as added by Act Dec. 12, 1941, ch. 569, 55 Stat. 798, 49 U. S. C. 1337.

§ 28.1 *Areas, objects, or structures, the photographing, etc., of which is prohibited.* No person shall make any photograph, sketch, drawing, map, or graphical representation of any area, object, structure, or installation in the Canal Zone, which is posted by competent authority with signs prohibiting the photographing, et cetera, thereof, without first obtaining the permission of such competent authority and promptly submitting the product to such authority for such action as may be deemed necessary.

§ 28.2 *Photographing, etc., prohibited from airspace above Canal Zone.* No person shall make any photograph, sketch, drawing, map, or graphical representation of any area in the Canal Zone from the airspace above the Canal Zone, without first obtaining permission from competent authority and promptly submitting the product to such authority for such action as may be deemed necessary.

§ 28.3 *"Competent authority" defined.* The "competent authority" referred to in the regulations in this part shall be the Governor of The Panama Canal, or, if the area, object, structure, or installation involved is within any Army, Naval or Air Force reservation, the officer commanding the respective forces of the U. S. Army, U. S. Navy or U. S. Air Forces (in the Canal Zone) or any officer responsible for the security of the area, object, structure or installation involved.

§ 28.4 *Exceptions as to activities in course of official duties.* None of the provisions of the regulations in this part shall apply to activities which are conducted or performed by persons in the service or employ of the United States in the course of their official duties or which may be specifically authorized by or under the direction of the Commander-in-Chief, Caribbean, the Governor of The Panama Canal, or competent Army, Navy, or Air Force authority.

§ 28.5 *Punishment for violations.* Any person who shall violate any of the regulations established hereby shall be punishable, as provided in section 15 of title 2, Canal Zone Code, by a fine of not more than \$1,000, or by imprisonment in jail for not more than one year, or by both.

F. K. NEWCOMER,
Governor.

AUGUST 16, 1948.

[F. R. Doc. 48-10076; Filed, Nov. 18, 1948; 8:47 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

Subchapter F—Personnel

TRANSFER AND REVISION OF REGULATIONS

The material contained in Chapter VII of Title 10 is hereby revised and transferred to Chapter V, Title 34, and is redesignated Subchapter F, Parts 570 through 582, as follows:

Part

- 570 Army nurses, dietitians, and physical therapy aides.
- 571 Recruiting for the Regular Army and Air Force.
- 572 Contract surgeons and civilian veterinarians.
- 573 Appointment of commissioned officers, warrant officers, and chaplains.
- 575 Admission to the United States Military Academy.
- 576 Care and disposition of the psychotic.
- 577 Medical and dental attendance.
- 578 Decorations, medals, ribbons, and similar devices.
- 580 Women's Army Corps.
- 581 Personnel Review Boards.
- 582 Discharge or separation from service.

PART 570—ARMY NURSES, DIETITIANS, AND PHYSICAL THERAPY AIDES

ARMY NURSE CORPS

Sec.

- 570.1 Army Nurse Corps, Regular Army.
- 570.2 Army Nurse Corps Section, Officers' Reserve Corps.
- 570.3 Applicability of other laws and regulations.

WOMEN'S MEDICAL SPECIALIST CORPS

- 570.21 Composition.
- 570.22 Mission.
- 570.23 Appointment and grade.
- 570.24 Qualifications for commission.
- 570.25 Applicability of other laws and regulations.
- 570.26 Reserve Corps.

AUTHORITY: §§ 570.1 to 570.26 issued under 61 Stat. 41, 501; 10 U. S. C. 166-166e, 374-377.
DERIVATION: AR 40-20, Apr. 22, 1948; AR 40-25, Jan. 22, 1948.

ARMY NURSE CORPS

§ 570.1 *Army Nurse Corps, Regular Army—(a) Establishment.* There is established in the Medical Department of the Regular Army an Army Nurse Corps, which shall consist exclusively of qualified female citizens who shall perform such services as may be prescribed by the Secretary of the Army.

(b) *Appointment and grade.* Officers in the Army Nurse Corps, Regular Army, shall be in the grades of second lieutenant to lieutenant colonel, inclusive. Initial Regular Army appointment will be made in the permanent grade of second lieutenant from among personnel holding a commissioned grade in the Army Nurse Corps Reserve.

(c) *Qualifications for commission.* To be eligible for an original appointment in the Army Nurse Corps, an applicant must meet the following requirements:

- (1) A female citizen of the United States.
- (2) Age 21 to 27, inclusive, on the date of nomination by the President.
- (3) A registered nurse licensed by a board of examiners from a State or Ter-

ritory, a minimum of graduation from an accredited high school giving a 4-year academic course and a graduate of a school of nursing approved by The Surgeon General.

(4) Qualified to meet the physical standards set forth in Army Regulations.

(5) Receive a passing grade on technical examination.

(6) Be unmarried and without dependents under 14 years of age.

§ 570.2 *Army Nurse Corps Section, Officers' Reserve Corps—(a) Establishment.* An Army Nurse Corps Section shall be established in the Officers' Reserve Corps of the Army of the United States. See act 16 April 1947 (Pub. Law 36, 80th Cong.).

(b) *Grades.* Army Nurses appointed pursuant to the act of 22 June 1944 (58 Stat. 324) and honorably separated from the service thereafter may, if otherwise qualified, be appointed in the Army Nurse Corps Section of the Officers' Reserve Corps in the highest grade satisfactorily held by them in active service. Nurses without prior military service originally appointed in the Army Nurse Corps Section of the Officers' Reserve Corps may be appointed in the appropriate grade for which they qualify up to and including lieutenant colonel, in accordance with current directives.

(c) *Period of appointment.* Appointment in the Officers' Reserve Corps will be for a period of 5 years, with privilege of renewal of commission.

(d) *Active duty.* In addition to the obligation to render active service now or hereafter, a member of the Army Nurse Corps, Reserve, may with her consent, be called to active duty by the Secretary of the Army for any period or periods of time according to the needs of the Military Establishment, as determined by the Secretary of the Army.

§ 570.3 *Applicability of other laws and regulations.* Except as otherwise specifically provided or manifestly inappropriate by reason of sex or duties, all laws and regulations now or hereafter applicable to commissioned officers or former commissioned officers of the Regular Army and Officers' Reserve Corps, and to their dependents and beneficiaries, shall in like cases be applicable respectively to commissioned officers or former commissioned officers of the Army Nurse Corps, Regular Army, the Army Nurse Corps Section, Officers' Reserve Corps, and their dependents and beneficiaries. See sections 109 and 115, Public Law 36—80th Congress.

WOMEN'S MEDICAL SPECIALIST CORPS

§ 570.21 *Composition.* The Women's Medical Specialist Corps shall consist of a Dietitian Section, a Physical Therapist Section, and an Occupational Therapist Section, and shall be comprised exclusively of qualified female citizens of the United States.

§ 570.22 *Mission.* The mission of the Women's Medical Specialist Corps is to provide proper dietetic, physical therapy, and occupational therapy services for the Medical Department of the Army.

§ 570.23 *Appointment and grade.* Officers in the Women's Medical Specialist Corps, Regular Army, shall be in the grades of second lieutenant to major, inclusive. Initial appointment will be made in the grade of second lieutenant, from members of the Reserve Corps.

§ 570.24 *Qualifications for commission.* To be eligible for original appointment in the Women's Medical Specialist Corps, an applicant must meet the following qualifications:

(a) *Citizenship.* Female citizen of the United States.

(b) *Age.* Twenty-one to 27 years, inclusive.

(c) *Marital status.* Single, widowed, or divorced, and without dependents under 14 years of age.

(d) *Physical requirements.* The type of physical examination required of applicants and the physical standards for appointment are set forth in Army Regulation (AR 40-100 and AR 40-105).

(e) *Educational requirements—(1) Dietitian Section.* Applicant must have a bachelor's degree from an approved college or university with either a major in foods and nutrition or in institution management, and have completed a dietetic internship approved by The Surgeon General.

(2) *Physical Therapist Section.* Applicant must be a graduate of an approved college or university with major emphasis in physical education or biological science, and of a training course in physical therapy approved by The Surgeon General.

(3) *Occupational Therapist Section.* Applicant must be a graduate of an approved college or university, and of a training course in occupational therapy approved by The Surgeon General.

(f) *Professional requirements.* Satisfactory completion of technical examination, as prescribed by The Surgeon General.

§ 570.25 *Applicability of other laws and regulations.* Except as otherwise specifically provided, all laws now or hereafter applicable to male commissioned officers of the Regular Army, to former male commissioned officers of the Regular Army, and to their dependents and beneficiaries, shall in like cases be applicable respectively to commissioned officers of any of the Corps established by the Army-Navy Nurses Act of 1947, and to their dependents and beneficiaries.

§ 570.26 *Reserve Corps.* (a) A Women's Medical Specialist Corps Section, consisting of dietitians, physical therapists, and occupational therapists, shall be established in the Officers' Reserve Corps of the Army of the United States (Pub. Law 36, 80th Cong.). Implementation will be accomplished by Department of the Army circulars.

(b) Except as otherwise specifically provided, all laws and regulations applicable to commissioned officers and former commissioned officers of the Officers' Reserve Corps, and to their dependents and beneficiaries, shall, in like cases, be applicable respectively to commissioned and former commissioned officers of the Women's Medical Specialist Corps Section of the Officer's Reserve Corps.

PART 571—RECRUITING FOR THE REGULAR ARMY AND AIR FORCE

Sec.

- 571.1 Qualifications for enlistment.
- 571.2 Period and grades.
- 571.3 Assignment.
- 571.4 Transportation.

AUTHORITY: §§ 571.1 to 571.4 Issued under 41 Stat. 765; 10 U. S. C. 42.

DERIVATION: D. A. Cir. 66, A. F. letter 35-114, Mar. 12, 1948.

§ 571.1 *Qualifications for enlistment*—(a) *Enlistments and reenlistments, Regular Army and Air Force.* Enlistments and reenlistments for the Regular Army and Air Force will be accomplished in accordance with the provisions of this part and other instructions from the Department of the Army and the Department of the Air Force.

(b) *Definition.* The term "enlistment" as used in this part, unless otherwise specified, includes reenlistment of Regular Army and Air Force personnel, enlistment of former Army of the United States personnel, and original enlistment of personnel without prior Army or Air Force service.

(c) *Age.* The age qualifications for enlistment are:

(1) Seventeen to 34 years inclusive, except as provided below.

(2) Thirty-five years and over but less than 55 years of age, for those men who have had a minimum of 3 years prior active service in the Army, Navy, Air Force, Marine Corps, or Coast Guard (at least 3 months of which must have been Army or Air Force service) terminated by honorable or general discharge, other than under the provisions of Army regulations pertaining to unfitness, inaptitude, or unsuitability (AR 615-368, or 615-369) provided their age, at the time of application for such enlistment, is not greater than 35 plus the length of their prior active Federal service in completed years of honorable service.

(3) For every applicant for enlistment from civilian life who states his age as being under 21 years, or whose personal appearance belies a claim of greater age, the recruiting officer will verify age by requiring the applicant to present a birth certificate or by communicating with the appropriate State Registrar of Vital Statistics.

(4) An applicant who is 17 years of age but has not reached his 18th birthday will be required to furnish written consent of his parents or guardian. If he has neither parents nor guardian, a statement to that effect will be included under "Remarks" on the enlistment record. The written consent will conform to the following:

(i) It will be signed by both parents, but the consent of one parent may be accepted if the other is absent for an extended period of time. Enlistment is not authorized if either party objects.

(ii) The parents or guardian will be required to include a statement of date of birth of the applicant in document giving their consent to his enlistment; also a statement as to length of enlistment for which consent is granted.

(iii) The consent will not include any written or oral qualifications relative to allotments of pay, special training, or

service in any particular arm or service or at a certain post or locality.

(iv) If the parents are not personally known to the recruiting officer, he may require verification of signature by a witness known to him, or in absence of such, by notarization. The latter practice will be used only as a final resort.

(v) The original and duplicate of parents' consent will be signed.

(vi) The written consent will be fastened securely to the original and duplicate enlistment records.

(5) Men last discharged from the Army or the Air Force with an honorable discharge or general discharge may be enlisted in the Regular Army or Air Force within 90 days after the date of such discharge, without regard to the maximum age restrictions prescribed in subparagraphs (1) (2) (3) and (4) of this paragraph.

(d) *Citizenship.* A male applicant who is otherwise qualified may be enlisted if he is:

(1) A citizen of the United States.

(2) An alien who can present written evidence that he has made legal declaration of his intention to become a citizen of the United States.

(3) A Puerto Rican who presents satisfactory evidence that he has permanently changed his residence to the continental United States.

(4) An insular Puerto Rican native resident is authorized to enlist in Puerto Rican units of the Regular Army in the Caribbean Defense Command only, under special instructions issued by the Department of the Army.

(5) A Filipino who is a United States citizen.

(e) *Physical qualifications.* Applicants for enlistment must meet fully the physical qualifications for general military service, except that:

(1) *Men serving in an enlisted status.* In especially deserving cases the commanding general of the army or overseas command (or the Chief of Staff, United States Air Force, in the case of Air Force enlistees) may waive physical defects down to the minimum standard of limited military service.

(2) *Men enlisted from civilian life.* Commanding generals of armies or overseas commands may waive physical defects of applicants with prior military service enlisting from civilian life down to the minimum standards for limited military service. In addition, commanding generals of armies or overseas commands may grant waivers for those applicants for enlistment without prior military service, who do not meet the minimum weight requirements for general military service. Commanding generals of armies or overseas commands will not grant waivers for physical defects of applicants without prior military service (other than for weight) or for applicants last discharged by reason of certificate of disability for discharge. Physical waivers other than those specifically provided in this paragraph will be granted only by The Adjutant General in the case of Army enlistees and by the Chief of Staff, United States Air Force, in the case of Air Force enlistees. All requests for waivers of physical defects will be accompanied by report of enlist-

ment physical examination recorded on an enlistment record.

(f) *Classes ineligible for enlistment.* The following personnel are ineligible for enlistment unless the disability or defect is waived as indicated below. Those disabilities or defects for which authority to grant waivers is not listed below will be waived only by The Adjutant General in the case of Army enlistees and by the Chief of Staff, United States Air Force, in the case of Air Force enlistees. Requests for waivers will be forwarded only in those cases which, as a result of complete investigation, the recruiting officer determines to be especially meritorious.

(1) Aliens, except those who have made legal declaration of their intent to become a United States citizen (see paragraph (d) (2) of this section) No waivers will be granted.

(2) Applicants who are over age. The commanding general of each army (ZI) and each overseas command is authorized to grant age waivers to otherwise qualified and desirable applicants for enlistment in the Regular Army only, who have 6 months or more prior active Federal Army or Air Force service provided their age does not exceed 37 plus the number of years of such prior active service.

(3) Men last separated from any branch of the armed forces with other than an honorable discharge or a general discharge, with the exception of general prisoners authorized to enlist under current Department of the Army directives.

(4) Men last discharged under the provisions of AR 615-368 (unfitness) or AR 615-369 (inaptitude or unsuitability) No waivers will be granted.

(5) Men last discharged by reason of physical disability and those who fail to meet the prescribed physical qualifications. Requests for waivers of physical defects will be accompanied by complete report of enlistment physical examination.

(6) Men last discharged by reason of dependency or hardship, unless the cause for which discharged has been removed.

(7) Insane or intoxicated persons. No waivers will be granted.

(8) Deserters and felons. The Adjutant General may authorize the enlistment of deserters in the Regular Army in especially meritorious cases. In such cases investigations will be made and evidence, including letters from at least three reputable citizens who are acquainted with the individual, will be submitted through channels to The Adjutant General to prove that each case is a meritorious one and that an exception should be made. No waivers will be granted for Air Force enlistees.

(9) Men who have been imprisoned under sentence of civil court for other than a felony. The commanding general of each army is authorized to waive this disqualification in the case of applicants for enlistment within the army area who have served only short sentences for minor offenses, but only if in the opinion of the commanding general the applicant will be an asset to the service. A record of adjudication of conduct by a juvenile court in the State of Ohio or by a juvenile court of any other

State having a similar law is not a bar to enlistment under section 1118, Revised Statutes. No waivers will be granted for Air Force enlistees.

(10) Men who have criminal charges filed and pending against them alleging a violation of a State, Federal, or Territorial statute but as alternative to further prosecution, indictment, trial, or incarceration for such violation, are granted by a court, a release from the charge on the condition that they apply and are accepted for enlistment in the Regular Army or Air Force. No waivers will be granted.

(11) Men under parole or probation from any civil court. No waivers will be granted.

(12) Men having frequent difficulty with law enforcement agencies, criminal tendencies, a long history of antisocial behavior, questionable moral character, or traits of character which render them unfit to associate with other men. The commanding general of each army (after complete investigation through local law enforcement agencies), may waive this disqualification for Regular Army enlistees. No waivers will be granted for Air Force enlistees.

(13) Men who have an active or chronic venereal disease. No waivers will be granted.

(14) Men who apply for enlistment from civilian life and who claim prior honorable service in the armed forces, but who are unable to produce their discharge certificate or other written evidence of last active service, until verification of such service is received from The Adjutant General.

(15) Enlisted men attending officer-candidate schools. Upon relief from officer candidate schools, having failed to achieve graduation and appointment, former candidates may be discharged and enlisted as provided herein.

(16) Applicants from civilian life who fail to meet the prescribed mental requirements. No waivers will be granted.

(17) Men who are illiterate. No waivers will be granted.

(18) Men discharged from the Army, Navy, Air Force, Marine Corps, or Coast Guard whose total time lost under Article of War 107 (or time lost under similar circumstances in the Navy, Coast Guard, or Marine Corps) was 60 days or more in the case of Army enlistees, or 30 days or more in the case of Air Force enlistees, during their last period of enlistment or period of active service.

(19) Men who have made application for retirement. No waivers will be granted.

(20) Any man receiving disability pension, compensation, or retirement pay benefits from the Veterans' Administration, unless such pension, compensation, or retirement pay is waived by the individual at the time of enlistment.

(21) Any man who is on a retired status from the Regular Army, whether retired for disability or length of service.

(22) Any man receiving retired or retiree pay from the Navy, Marine Corps, or Coast Guard. No waivers will be granted.

(23) For the Air Force only, married men without prior service, except those qualified for enlistment in one of the first

three grades under Air Force directives. No waivers will be granted.

(24) Men last discharged under the provisions of paragraphs 4a or b, or C, AR 615-367 (Resignation).

§ 571.2 *Period and grades*—(a) *Period of enlistment*. (1) Enlistments are authorized in the Regular Army for 2, 3, 4, 5, or 6 years, and in the Air Force for 3, 4, 5, or 6 years, at the option of the individual enlisting. ("Enlistments" as used in this paragraph will mean enlistment in the Regular Army or Air Force, of any man who has not heretofore served in the Regular Army or Air Force.)

(2) Reenlistments are authorized for 3, 4, 5, or 6 years at the option of the individual reenlisting. ("Reenlistment" as used in this paragraph will mean reenlistment in the Regular Army or Air Force, of any man who has previously served in the Regular Army or Air Force regardless of time previous service was performed.)

(b) *Grades in which enlisted; former enlisted men and individuals with no prior service*—(1) *Grade in which enlisted*. Applicants for enlistment in the Regular Army or Air Force will be enlisted in the grades specified below:

(i) Individuals honorably discharged from the Army or the Air Force, except those men discharged under the provisions of AR 615-367 (Resignation) may enlist in the grade held at time of such discharge, provided they enlist for 3, 4, 5, or 6 years within 90 days from date of last discharge. (Reservists recalled to active duty for training purposes are not eligible for enlistment under the provisions of this subdivision even though enlistment is accomplished within 90 days from date of separation from such active duty training status. Reservists recalled to extended duty, as distinguished from training, are eligible for enlistment in a grade to be determined by the appropriate army commander, or the Chief of Staff, United States Air Force, not lower than that authorized by WD Pamphlet 12-16, nor higher than that held at date of release from active duty, provided enlistment is accomplished within 20 days after date of release from active duty.)

(ii) Certain applicants who are not eligible to enlist in the Regular Army or Air Force in a grade higher than the seventh grade under the provisions of subdivision (i) of this subparagraph, may be enlisted in grades commensurate with their prior training and experience as specifically authorized in WD Pamphlet 12-16, except that enlistments of individuals last discharged under the provisions of paragraph 3, AR 615-367, will be accomplished in a grade which is at least one grade lower than that held at time of last discharge.

(iii) Individuals who have had satisfactory active service in the Army, Navy, Air Force, Coast Guard, or Marine Corps of at least 4 months and who are otherwise qualified and acceptable, if not eligible to enlist in a higher grade, will be enlisted in grade six.

(iv) All other applicants, including those last discharged under the provisions of paragraph 5, AR 615-367, except as authorized in paragraph (c) of

this section, will be enlisted in grade seven.

(2) *Date of rank*. Men enlisted in grades higher than grade seven, under the provisions of subparagraph (1) (i) of this paragraph, will be given the same date of rank as that held at the time of discharge from active service.

(c) *Grades in which enlisted; former officers, warrant officers, and flight officers*—(1) *Grade in which enlisted*. (i) An applicant for enlistment whose last period of active service in the Army or the Air Force was in the status of commissioned officer or warrant officer, whose release from such status was under honorable conditions, and who enlists for 3, 4, 5, or 6 years within 90 days from date of release from active service, will be enlisted in grade one, except as prescribed in (a) (b) or (c) of this subdivision. (Reservists recalled to active duty for training purposes are not eligible for enlistment under the provisions of this subparagraph even though enlistment is accomplished within 90 days from date of separation from such active duty training status.)

(a) An applicant for enlistment whose last period of active service was in the status of commissioned officer or warrant officer, if enlistment in the Air Force is desired, will be enlisted in a grade to be prescribed by the Chief of Staff, United States Air Force.

(b) In addition to the exception cited in (a) of this subdivision, an applicant for enlistment whose last period of service was in the status of a commissioned officer or warrant officer in the Air Force, if enlisted for assignment other than Air Force is desired, will be enlisted in a grade to be prescribed by the appropriate army commander or head of administrative or technical service concerned. (This does not apply to commissioned officers and warrant officers of the Army on duty with the Air Force.)

(c) In addition to the exceptions cited in (a) and (b) of this subdivision, an applicant whose last period of active service in the status of a commissioned officer or warrant officer commenced subsequent to March 22, 1943, is not eligible for enlistment in grade one under this authority. Enlistment grade will be determined as prescribed in subdivision (ii) of this subparagraph.

(ii) An applicant for enlistment whose last period of active service in the Army or the Air Force was in the status of commissioned officer, warrant officer, or flight officer, whose release from such status was under honorable conditions, and who is not eligible to enlist under the provisions of subdivision (i) of this subparagraph, may be enlisted in a grade commensurate with his prior training and experience as specifically authorized in Army or Air Force directives.

(2) *Reenlistment of men who served on active duty as Reserve officers or who were discharged to accept commissions as officers or appointment as warrant officers*. (i) Any enlisted man of the Regular Army who serves on active duty as a reserve officer of the Army of the United States or who is discharged to accept a commission in the Army of the United States, will be entitled to reenlist in the

Regular Army or Air Force in the permanent grade held in the Regular Army immediately preceding such commissioned service, provided application for reenlistment is made within 6 months after termination of such commissioned service.

(ii) Any enlisted man of the Regular Army who is discharged to accept a temporary appointment as a warrant officer in the Army of the United States will be entitled to reenlist in the Regular Army or Air Force in the permanent grade held in the Regular Army immediately preceding such warrant officer service, provided application for reenlistment is made within 6 months after termination of such warrant officer service.

(iii) Any enlisted man of the Regular Army who is discharged to accept a temporary appointment as a warrant officer

in the Army of the United States, and such temporary appointment as a warrant officer is terminated to accept a commission in the Army of the United States, will be entitled to reenlist in the Regular Army or Air Force in the permanent grade held in the Regular Army immediately preceding such warrant officer service, provided application for reenlistment is made within 6 months after termination of such commissioned service.

(iv) Former Regular Army enlisted men who held specialist ratings in the Regular Army immediately preceding the commissioned or warrant officer service will be reenlisted in grades indicated in the conversion table below, if they apply for reenlistment within the time limits specified in subdivisions (i) (ii) and (iii) of this subparagraph, and are otherwise qualified:

Old grade and rating	Reenlistment grade
Private first class, specialist first class.....	Technician, fourth grade, or sergeant.
Private, specialist first class.....	Do.
Private first class, specialist second class.....	Do.
Private, specialist second class.....	Do.
Private first class, specialist third class.....	Do.
Private, specialist third class.....	Technician, fifth grade, or corporal.
Private first class, specialist fourth class.....	Do.
Private, specialist fourth class.....	Do.
Private first class, specialist fifth class.....	Private, first class.
Private, specialist fifth class.....	Private.
Private first class, specialist sixth class.....	Private, first class.
Private, specialist sixth class.....	Private.

(v) Conditions governing enlistments under subdivisions (i) (ii) (iii) and (iv) of this subparagraph are as follows:

(a) Active service as a commissioned officer or temporary warrant officer terminated honorably.

(b) Without regard to any physical disqualification incurred, or having its inception, while on active duty in line of duty.

(c) Without regard to whether or not a vacancy exists in the appropriate enlisted grade.

(d) All duty as a commissioned or warrant officer in the Army of the United States or any component thereof will be counted as service for all purposes.

§ 571.3 *Assignment*—(a) *Three-, four-, five-, or six-year enlistees; choices of service.* Individuals who enlist in the Regular Army or Air Force for 3- 4- 5- or 6-year periods are authorized certain choices of service published in memorandums issued from time to time by The Adjutant General.

(b) *Enlistment for period less than 3 years.* Individuals who enlist in the Regular Army for any period less than 3 years will not be given a choice of assignment and will be enlisted in the Regular Army Unassigned, except in the case of specially recruited personnel where 2-year enlistments are authorized.

§ 571.4 *Transportation*—(a) *Transportation of accepted applicants.* (1) Transportation at Government expense from place of acceptance to designated place of enlistment will be furnished to an applicant only when he has been tentatively accepted for enlistment.

(2) Return transportation at Government expense to point of acceptance will

be furnished only to applicants for enlistment who are rejected upon final examination; *Provided, however* That return transportation will not be furnished to an applicant for enlistment who is rejected because of disqualification concealed by him at time of acceptance as an applicant.

(b) *Transportation of dependents and/or shipment of household goods.* Enlisted personnel of the first three grades are not entitled to transportation of dependents and enlisted personnel of the first four grades are not entitled to shipment of household goods at Government expense by virtue of discharge granted for the purpose of effecting immediate reenlistment in the Regular Army or Air Force. However, a discharge for the purpose of immediate reenlistment in the Regular Army or Air Force on the day following discharge is not considered a break in active service, so far as such personnel's right to transportation of dependents and/or shipment of household goods is concerned. Such personnel are, therefore, entitled to transportation of dependents and/or shipment of household goods at Government expense where a permanent change of station is involved in connection with reenlistment. Movement of dependents and household goods under such circumstances is also authorized from the place to which dependents were transported or the place at which household goods were stored pursuant to the act of 5 June 1942 (56 Stat. 315; 50 U. S. C. 764) to his present or subsequent permanent duty station. Personnel who enlist after a break in service are excluded from any of the foregoing benefits which accrue to them prior to their discharge.

PART 572—CONTRACT SURGEONS AND CIVILIAN VETERINARIANS

CONTRACT SURGEONS

Sec.

- 572.1 Authority to employ.
- 572.2 Duties and privileges.
- 572.3 Pay and allowances.
- 572.4 Qualifications.
- 572.5 Contracts.

EMPLOYMENT AND COMPENSATION OF CIVILIAN VETERINARIANS

- 572.6 General.
- 572.7 Compensation for veterinary attendance.
- 572.8 Compensation for tests and inoculations.
- 572.9 Compensation for physical examinations.
- 572.10 Civilian veterinarian practicing on military reservation.

AUTHORITY: §§ 572.1 to 572.10 issued under R. S. 161, 31 Stat. 752; 5 U. S. C. 22; 10 U. S. C. 107.

DERIVATION: AR 40-30, Sept. 1, 1942; AR 40-2030, Aug. 31, 1942.

CONTRACT SURGEONS

§ 572.1 *Authority to employ.* In emergencies civilian physicians may be employed as general (full-time) or special (part-time) contract surgeons under contracts entered into by the commanding generals of service commands for all installations and establishments under their control and in all other cases by The Surgeon General with the approval of the Secretary of the Army.

§ 572.2 *Duties and privileges.* The professional and administrative duties of a contract surgeon are the same as those of an officer of the Medical Corps, except in so far as they are limited by the fact that the contract surgeon does not perform his functions by virtue of military rank or commission. They are entitled to the same protection in their positions, and to the same respect and obedience as are commissioned officers. They are not eligible for detail on courts-martial, but may be detailed on councils of administration and other administrative boards. When subject to military law they may prefer charges.

§ 572.3 *Pay and allowances.* A contract surgeon serving full time receives the same pay and allowances for subsistence and rental as are authorized for officers serving in the second pay period, and is entitled to travel allowances when traveling under proper orders, and to leave of absence as provided for commissioned officers. A contract surgeon serving part time receives only the compensation specifically stipulated in his special contract.

§ 572.4 *Qualifications.* To be eligible for employment as a contract surgeon, the candidate must be a graduate of a reputable medical school legally authorized to confer the degree of M. D., and a licensed practitioner of medicine in good standing at the time the contract is made. He must also possess satisfactory moral, professional, and physical qualifications.

§ 572.5 *Contracts.* It is the policy of the Department of the Army to make or authorize general (full-time) contracts only under exceptional circumstances and upon a full representation of the necessity therefor.

EMPLOYMENT AND COMPENSATION OF
CIVILIAN VETERINARIANS

§ 572.6 *General.* (a) When veterinary treatment, including medicine, nursing, and hospital care, is required for a public animal or an authorized private mount actually owned by an officer, and such care and treatment cannot otherwise be had, the commanding officer, on recommendation of the surgeon, may employ the necessary civilian service, and just accounts therefor will be paid from Medical Department appropriations.

(b) Accounts for consultation will not be allowed except in extraordinary cases.

(c) Surgical appliances will be paid for only upon satisfactory evidence of their necessity, and such evidence, except in cases of emergency, should be submitted to the commanding general of the service command for his approval before purchase.

§ 572.7 *Compensation for veterinary attendance.* (a) The compensation allowed to civilian veterinarians for veterinary attendance on public account at garrisoned stations will not exceed the following rates and, if the local charge per visit is less, the account will be rendered at the local rates:

(1) For attending veterinary sick call, five patients, or less, \$4.00.

(2) For each patient in excess of five, 50 cents.

(3) For each additional visit to post or sick call on same day, when necessary, \$4.00.

(b) Accounts arising at stations under exceptional circumstances, all accounts arising at other places, and accounts for special surgical services will be allowed at reasonable rates approved by the commanding general of the service command.

(c) When there is a large sick report and the service will be required for an extended period, application will be made to the commanding general of the service command for authority to employ a veterinarian by the month.

§ 572.8 *Compensation for tests and inoculations.* (a) The compensation allowed to civilian veterinarians for the administration of the intradermic mallein test for glanders (the only test authorized) the administration of tetanus toxoid, and encephalomyelitis vaccine to public animals or authorized private mounts, for shipment or other purposes when authorized by regulations or orders, will be at the following rates:

	Ad- minis- tration of tests and inoc- ulation	One or more trips to read tests and complete other inocula- tions
Veterinarian not required to make a special visit:		
1 animal.....	\$0.75	
Each additional animal on same day.....	.70	
Veterinarian required to make a special visit:		
1 animal.....	3.25	\$3.00
Each additional animal on same day.....	.70	

(b) Additional compensation, irrespective of the number of animals tested, will be allowed for one return visit at the rate shown in column two of the table in paragraph (a) of this section only when a special visit is necessary for reading the test or completing the inoculation. In cases of doubt, such additional return visits as may be necessary to enable the veterinarian to sign the required veterinary health certificate will be made, but no compensation will be allowed for such additional visits.

(c) No civilian veterinarian will be employed to apply mallein test or to read it who is not legally authorized to apply the mallein tests by the Federal authorities or the authorities of the State in which the test may be required.

§ 572.9 *Compensation for physical examinations.* The compensation allowed to civilian veterinarians for the physical examination of public animals or authorized private mounts will be at the rates shown in the following table. Physical examinations referred to herein are authorized only when animals are being changed from one station to another or upon separation from the service.

Physical examination	
Veterinarian not required to make a special visit:	
1 animal.....	\$0.50
Each additional animal on the same day.....	.50
Veterinarian required to make a special visit:	
1 animal.....	3.00
Each additional animal on the same day.....	.50

§ 572.10 *Civilian veterinarian practicing on military reservation.* A civilian veterinarian desiring to practice veterinary medicine on a military reservation must register his name with the post commander and must agree in writing to observe the rules and regulations relative to the protection of the command against communicable diseases that may be in force at the time or that may be promulgated thereafter.

Whenever a civilian veterinarian is summoned to take charge of a case of disease in any animal at a garrisoned station or in the possession of officers or enlisted men or civilian employees on duty thereat, the person responsible for the animal will at the same time inform the commanding officer, who will notify the station veterinarian or, in the absence of a veterinary officer, the station surgeon.

It will thereafter be the duty of the station veterinarian or, in the absence of a veterinary officer, the station surgeon, to ascertain if possible from the attending veterinarian or by personal examination of the patient, if deemed necessary, the nature of the disease and, if it proves to be communicable and a source of danger to the command, he will assume supervision of the case and will be responsible for all measures of isolation, prevention, and disinfection. The station veterinarian or surgeon will in all cases report the nature of the disease to the post commander in order that the latter may, if the interests of the service demand it, require the patient to be placed under charge of the veterinarian or surgeon.

PART 573—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS

APPOINTMENT IN MEDICAL, DENTAL, VETERINARY MEDICAL SERVICE, ARMY NURSE, AND WOMEN'S MEDICAL SPECIALIST CORPS, REGULAR ARMY

Sec.	Purpose.
573.1	Eligibility.
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APPOINTMENT OF CHAPLAINS IN REGULAR ARMY

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OFFICERS APPOINTED IN THE ARMY OF THE UNITED STATES UNDER THE PROVISIONS OF THE ACT OF SEPTEMBER 22, 1941

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APPOINTMENT OF WARRANT OFFICERS

GENERAL INFORMATION

573.200	Eligibility.
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ELIGIBILITY

573.204	Age.
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APPLICATION, EXAMINATION AND APPOINTMENT

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ARMY MINE PLANTER SERVICE

573.330	Grades, Army, Mine Planter Service.
573.331	Examinations; second mate and second assistant engineer; when held.
573.332	Eligibility requirements; appointment of civilians as second mate or second assistant engineer.

Sec.

573.333 Application, examination, and eligible list.

WARRANT OFFICERS, MARITIME AND MARITIME ENGINEER TEMPORARY APPOINTMENT IN THE ARMY OF THE UNITED STATES

573.371 General.

573.372 Eligibility.

573.373 Appointment.

APPOINTMENT IN MEDICAL, DENTAL, VETERINARY, MEDICAL SERVICE, ARMY NURSE, AND WOMEN'S MEDICAL SPECIALIST CORPS, REGULAR ARMY

AUTHORITY: §§ 573.1 to 573.6 issued under 35 Stat. 67, 40 Stat. 397, 41 Stat. 774, 49 Stat. 506, 1902; 10 U. S. C. 93, 125, 92, 122, 123, 151, 552b.

DERIVATION: AR 605-20, June 11, 1948.

§ 573.1 *Purpose.* The purpose of §§ 573.1 to 573.6 is to prescribe the procedure for the appointment of commissioned officers in Medical, Dental, Veterinary, Medical Service, Army Nurse, and Women's Medical Specialist Corps, Regular Army. Individuals fully qualified under § 573.2, with the exception of Veterinary and Medical Service Corps applicants, are eligible for immediate appointment. Fully qualified applicants, as provided in § 573.2, for Veterinary and Medical Service Corps appointment are eligible for the competitive tours as provided for from time to time in Department of the Army Circulars.

§ 573.2 *Eligibility.* (a) Each applicant for appointment must:

(1) Be a citizen of the United States. Applicants who are not citizens of the United States by birth must provide evidence of citizenship.

(2) Be of good moral character.

(3) Be found to be physically qualified for Regular appointment by meeting the physical standards prescribed by Army Regulations.

(4) Not be nor have been a conscientious objector.

(5) Not have been separated from any of the armed forces under other than honorable conditions.

(6) Not be nor have been a member of any foreign or domestic organization, association, movement, group or combination of persons advocating subversive policy or seeking to alter the form of Government of the United States by unconstitutional means.

(7) Have a record free of conviction by any type of military or civil court for other than minor traffic violations. Request for waiver may be made in the case of other minor violations which are non-recurrent and which are not deemed prejudicial to performance of duty as an officer. Granting of a waiver will not be considered in the case of any individual who has been convicted of a crime involving moral turpitude.

(b) Specific requirements for each of the various corps are:

(1) *Medical Corps.* Each applicant at time of appointment must:

(i) Have reached his twenty-first birthday.

(ii) Be a graduate of a medical school acceptable to The Surgeon General and legally authorized to confer the degree of doctor of medicine or its equivalent.

(iii) Have had, subsequent to the completion of the prescribed course of in-

struction in such medical school, internship acceptable to The Surgeon General, or its equivalent in practical or professional experience as determined by The Surgeon General in each case. Persons who have completed 1 year internship in an Army hospital must be recommended for a regular appointment by the intern board of the hospital in which the applicant served his internship.

(2) *Dental Corps.* Each applicant at time of appointment must:

(i) Have reached his twenty-first birthday.

(ii) Be a graduate of a dental school acceptable to The Surgeon General and legally authorized to confer the degree of dental surgery or its equivalent. Persons who have completed 1 year internship in an Army hospital must be recommended for a regular appointment by the intern board of the hospital in which the applicant served his internship.

(3) *Veterinary Corps.* Each applicant at time of appointment must:

(i) Have reached his twenty-first birthday but not his thirty-second birthday except that those applicants who have passed their thirty-second birthday may be appointed if the number of years, months, and days elapsed after their thirty-second birthday does not exceed 5 years and is less than or equal to the number of years, months, and days of active Federal commissioned service performed in the Army or Air Force of the United States or any component thereof after December 31, 1947.

(ii) Be a graduate of a veterinary college acceptable to The Surgeon General and legally authorized to confer the degree of doctor of veterinary medicine or its equivalent.

(iii) Be commissioned in the Veterinary Corps Reserve.

(iv) Have been selected for appointment in the Regular Veterinary Corps as a result of a competitive tour.

(4) *Medical Service Corps.* Each applicant at time of appointment must:

(i) Have reached his twenty-first but not his thirtieth birthday except that those applicants who have passed their thirtieth birthday may be appointed if the number of years, months, and days elapsed after their thirtieth birthday does not exceed 5 years and is less than or equal to the number of years, months, and days of active Federal commissioned service performed in the Army or Air Force of the United States or any component thereof after December 31, 1947.

(ii) Be commissioned in the Medical Service Corps Reserve.

(iii) Have been selected for appointment in the Regular Medical Service Corps as a result of a competitive tour.

(5) *Army Nurse Corps.* Each applicant at time of nomination must:

(i) Have reached her twenty-first but not her twenty-eighth birthday.

(ii) Be a female.

(iii) Be unmarried. If divorced, documentary evidence of such divorce must be submitted.

(iv) Have no dependents under 14 years of age.

(v) Be commissioned in the Army Nurse Corps Reserve.

(vi) Immediately prior to appearing before the evaluation board, have served

on extended active duty a period of not less than 6 months. Applicants who will attain the age of 27 years prior to completion of 6 months active duty may request approval from the Department of the Army to submit applications prior to completion of 6 months active duty.

(6) *Women's Medical Specialist Corps.* Each applicant at time of nomination must:

(i) Have reached her twenty-first but not her twenty-eighth birthday.

(ii) Be a female.

(iii) Be unmarried. If divorced, documentary evidence of such divorce must be submitted.

(iv) Have no dependents under 14 years of age.

(v) Be commissioned in the Women's Medical Specialist Corps Reserve.

(vi) Immediately prior to appearing before the evaluation board, have served on extended active duty a period of not less than 6 months. Applicants who will attain the age of 27 years prior to completion of 6 months active duty may request approval from the Department of the Army to submit applications prior to completion of 6 months active duty.

§ 573.3 *Determination of grade—(a) Permanent grades.* Appointments will be made in permanent grades as follows:

(1) Appointments in the Army Nurse Corps or Women's Medical Specialist Corps will be made in the grade of second lieutenant.

(2) Appointments in the Veterinary Corps or Medical Service Corps will be made in the grade of second lieutenant, unless the applicant is entitled to a higher grade by service credit as provided in paragraph (c) of this section.

(3) Appointments in the Medical Corps or Dental Corps will be in grades determined by applicant's age and active professional practice, excluding internships, but including residencies, and postgraduate training as follows:

Grade	Medical professional practice	Dental professional practice	Maximum age
	Years	Years	Years
First Lieutenant.....	No	No	33
Captain.....	3	4	37
Major.....	10	11	43
Lieutenant colonel.....	17	19	49

However, an applicant who possesses particularly outstanding professional qualifications may be, upon approval of The Surgeon General, appointed in a higher grade than that to which entitled under the above provisions.

(4) Initial appointments in the Medical Corps or Dental Corps in the grade of colonel are authorized. Persons appointed in this grade will possess outstanding qualifications for special positions determined by the Surgeon General as requirements necessitate.

(5) No applicant will be appointed to a grade higher than he would have achieved had he entered the Regular Army when he first became eligible, except in extremely exceptional cases as determined by The Surgeon General.

(b) *Temporary grades.* Acceptance of appointment as a commissioned officer in the Regular Army will not, of itself, af-

fect a higher temporary grade in which an officer on extended active duty is serving at the time. Officers not on extended active duty at time of acceptance of appointment as commissioned officers in the Regular Army will serve in grades to be determined by the Department of the Army. In some cases, this may be a higher temporary grade than the Regular Army permanent grade in which appointment is made. However, all higher temporary grades are subject to readjustment under general Department of the Army grade readjustment policies.

(c) *Service credit.* (1) For the purpose of determining grade, position on promotion list, permanent grade seniority, and eligibility for promotion, each person initially appointed and commissioned an officer in the Regular Army in the grade of first lieutenant in the Medical Corps or Dental Corps shall at time of appointment, be credited with an amount of service equivalent to the total period of active Federal service performed after attaining the age of 21 years as a commissioned officer in the Army of the United States or any component thereof subsequent to 31 December 1947, and prior to such appointment, up to a maximum of 5 years. In addition, for the purposes hereinabove specified, each person appointed and commissioned an officer of the Regular Army in the grade of first lieutenant in the Medical Corps shall at time of appointment, be credited with an amount of service equal to 4 years, and each person appointed and commissioned in the grade of first lieutenant in the Dental Corps shall at time of appointment be credited with an amount of service equal to 3 years.

(2) Any person appointed and commissioned in the Regular Army in grade of captain or higher in the Medical Corps or Dental Corps shall be placed at the bottom of the list in the grade in which appointed and shall ordinarily be credited at the time of appointment with an amount of service equal to the number of years of service of the officer under whose name he is immediately placed.

(3) For the purpose of determining grade, position on promotion list, permanent grade seniority, and eligibility for promotion, each person initially appointed and commissioned an officer in the Regular Army, in the Veterinary Corps or Medical Service Corps, shall at time of appointment, be credited with an amount of service equivalent to the total period of active Federal service performed after attaining the age of 21 years as a commissioned officer in the Army of the United States or any component thereof subsequent to 31 December 1947, and prior to such appointment, up to a maximum of 5 years of such service. In addition to the foregoing, and for the purposes hereinabove specified, each person appointed and commissioned an officer of the Regular Army in the Veterinary Corps shall at time of appointment, be credited with an amount of service equal to 2 years, and each person appointed and commissioned in the Medical Service Corps, who at the time of appointment holds a degree of doctor of philosophy or comparable degree recognized by The Surgeon General

in a science allied to medicine, may be credited at the time of appointment with an amount of service equal to 3 years of such service.

§ 573.4 *Application.* (a) Applications may be submitted at any time on WD AGO Form 62 (Application or Supplemental Information for Commission in the Regular Army) or WD AGO Form 102 (Application for Commission in the Army Nurse Corps or Women's Medical Specialist Corps, Regular Army), in duplicate, both by persons who meet all the requirements of subparagraph (3) of this paragraph and by members of the Veterinary Corps and Medical Service Corps who desire to qualify by entering the competitive tour. Forms for application may be obtained at installations, Office of The Adjutant General and Office of The Surgeon General. The application will be accompanied by—

(1) A recent photograph of the applicant, head and shoulders type, not less than 3 by 5 inches.

(2) Evidence of internship (by Medical Corps applicants).

(3) Certificates based upon personal acquaintance from at least three reputable persons as to character, habits, and evidence of professional attainment. Diplomas and/or certificates evidencing graduation or completion of courses at medical, dental, veterinary, nursing or other professional schools or evidence of citizenship will not be submitted with the application. These must be submitted to the evaluation board for its inspection at the time of the applicant's appearance before it.

(b) Applications by persons in inactive or civilian status will be submitted in duplicate with accompanying papers direct to The Adjutant General, Attention: AGSO-R.

§ 573.5 *Evaluation and selection.* (a) Evaluation boards will be appointed by medical center or general hospital commanders, whichever is applicable. Such board will consist of a minimum of two senior officers of the corps for which the individual is applying and one senior officer of the Medical Corps.

(b) Named general hospitals listed below are designated as the stations in the zone of interior where evaluation boards will be appointed.

McCornack General Hospital, Pasadena, Calif.

Army and Navy General Hospital, Hot Springs, Ark.

Murphy General Hospital, Waltham, Mass.
William Beaumont General Hospital, El Paso, Tex.

Oliver General Hospital, Augusta, Ga.

Brooke General Hospital, Fort Sam Houston, Tex.

Percy Jones General Hospital, Battle Creek, Mich.

Fitzsimons General Hospital, Denver, Colo.

Tilton General Hospital, Fort Dix, N. J.

Letterman General Hospital, Presidio of San Francisco, Calif.

Valley Forge General Hospital, Phoenixville, Pa.

Madigan General Hospital, Tacoma, Wash.

Walter Reed General Hospital, Army Medical Center, Washington 12, D. C.

(c) The evaluation board of officers will:

(1) Establish with each applicant, a mutually satisfactory date for the appearance of the applicant before the board. Persons on active duty will be placed on temporary duty for this purpose. Travel and other expenses incident thereto by applicants not on active duty will not be borne by the Government.

(2) Verify applicant's educational background and citizenship by scrutiny of diplomas and other evidence submitted.

(3) Evaluate applicant by personal interview.

(4) Supervise the execution by applicant of WD AGO PRT 459 (Biographical Information Blank, Form E) for male applicants, or WD AGO PRT 723 (Army Nurse Corps and Women's Medical Specialist Corps Biographical Information Blank) for female applicants.

(d) Each applicant on presenting himself to the board will be accorded the right of challenge. The board will be sworn after the disposal of the challenge. The applicant will then be required to establish conclusively his citizenship and, if an applicant for the Medical Corps or Dental Corps, submit a diploma conferring on him the degree stated in § 573.4, or a proper certificate of graduation in lieu thereof. Should the applicant's diploma or certificate be unavailable temporarily his examination will be continued, subject to its later presentation to the board. Documents submitted by the applicant to establish citizenship and graduation will not be retained by the board. Failure by any candidate to submit proper evidence of citizenship will immediately terminate his examination.

(e) The evaluation for moral character and general fitness will include a review of the application and documents filed therewith, and such additional investigation as will enable the board to form an opinion as to whether the applicant has the moral qualifications, adaptability and aptitude required for appointment. The board will give the applicant opportunity to make any statements he may desire relative to any unfavorable reports received concerning him which can be made known to him without violation of the confidential nature thereof.

(f) No written professional examination will be required of any applicant.

(g) Each candidate will receive a complete final type physical examination which will conform in all respects to the standards for officers of the Regular Army. The findings relative thereto will be arrived at by the full board. The final decision as to the effect of any existing disability, as to waiver or disqualification, will be made in Headquarters, Department of the Army. The board will accordingly continue the examination of any applicant whom it considers physically disqualified for appointment unless he elects in writing to withdraw.

§ 573.6 *Appointment.* (a) The Adjutant General will officially tender appointments to approved applicants who are found to be physically qualified, obtain their acceptance or declination, notify them of their initial station and duty assignment, and transmit such further

instructions and information as may be necessary. For this and other reasons, it is imperative that applicants keep The Adjutant General (Attn: AGSO-R) informed of their current address at all times until assignment orders are received.

(b) Applicants who are not accepted will be so notified by The Adjutant General.

APPOINTMENT OF CHAPLAINS IN REGULAR ARMY

AUTHORITY: §§ 573.23 to 573.37 issued under sec. 24, 41 Stat. 774; 10 U. S. C. 231.
DERIVATION: AR 605-30, Dec. 16, 1941.

§ 573.23 *Grade.* Original appointments as chaplains will be made in the grade of first lieutenant.

§ 573.24 *General information relative to appointments.* The general plan to be followed in making appointment is as follows:

(a) Any person eligible to take the examination may submit an application at any time directly to The Adjutant General.

(b) Applicants regarded as eligible will be authorized to appear for examination for appointment as chaplains.

(c) The examination is to determine whether or not the candidate has the physical, educational, and professional qualifications requisite to the proper performance of the duties of a chaplain in the Regular Army.

(d) The grading of the examination records and the selection of candidates qualified for appointment will be accomplished under the provisions of §§ 573.34 and 573.36. Selections for appointment will be limited by the requirement that chaplains of the Army be distributed to various denominations or organizations, according to the needs of the service.

§ 573.25 *Eligibility for appointment.* To be eligible for original appointment as chaplain, a candidate must be at the time of the examination a male citizen of the United States; between the ages of 23 and 34 years; regularly ordained, duly accredited by and in good standing with some religious denomination or organization which holds an apportionment of chaplain appointments in accordance with the needs of the service; a graduate of both 4-year college and 3-year theological seminary courses; and actively engaged in the ministry as the principal occupation in life and be credited with 3 years' experience therein.

§ 573.26 *Applications—(a) Form.* Application for appointment should be made on the prescribed form for application for commission in the Regular Army (WD AGO Form No. 62). This form may be obtained from any military post or station or from The Adjutant General. The information given in the application must include the name of the religious denomination or organization in which the applicant is duly accredited and in good standing. The application must be accompanied by:

(1) Evidence of citizenship if of foreign birth.

(2) Certificate that he has requested the colleges and seminaries attended, that they submit to the Chief of Chap-

lains, Department of the Army, Washington, D. C., transcripts of all credits earned therein together with records of his relative standing in graduating class or classes. No candidate will be favorably considered until transcripts of college and seminary credits and a statement of the candidate's relative standing in his graduating class or classes have been received. The entire responsibility for having these forwarded to the Chief of Chaplains rests upon the applicant.

(3) Certificates as to character and habits based upon personal acquaintanceship from at least five reputable persons, two of whom are businessmen of the candidate's community.

(4) Evidence of the good standing of the applicant in a religious denomination, or organization.

(b) *Forwarding.* An applicant will forward his application directly to The Adjutant General.

(c) *Action on.* The Adjutant General will disapprove the applications of any ineligible, and will so notify them. Applications and accompanying papers of approved applicants will be promptly sent to the Chief of Chaplains for transmittal to the examining board designated to convene in his office. Applicants selected for examination will be notified by The Adjutant General to present themselves at the office of the Chief of Chaplains at the proper time.

§ 573.27 *Time and place of examination.* Examinations may be held whenever vacancies exist and applicants have been approved therefor. They will be conducted by a board convened in the office of the Chief of Chaplains. Physically disqualified applicants may be permitted to withdraw prior to the mental examination if they so desire.

§ 573.28 *Designation of candidates; convening of board, time and place.* The Adjutant General will prepare and maintain lists of and will designate applicants who are qualified to appear for examination. He will announce the dates for holding the examination in the office of the Chief of Chaplains, Washington, D. C. Examination questions will be delivered to the board by the Chief of Chaplains. Examinations will not be delayed or prolonged in order to accommodate candidates who do not report at the proper time.

§ 573.29 *General procedure of board.* The examining board will meet at the call of the president thereof. At the first meeting of the board, the members thereof will be sworn. Thereafter oaths will be administered only in the event of a change of membership. As each candidate appears before the board, his eligibility for appointment will be determined and he will be informed of the membership of the board and afforded opportunity to challenge any member thereof for cause. In the event of a challenge being sustained, the challenged member will withdraw during the examination of the challenging candidate. Such challenged members will not be replaced unless the board is reduced below four members, two of whom must be medical members. After the organization of the board, the candidate will

be informed of the general scope and character of the examination and will be permitted to submit any letters or recommendations, testimonials, or claims for exemption from the mental examination, that he may desire to have considered. Opportunity will be afforded the candidate to have explained any parts of these regulations that are not understood by him. The examination will proceed in the order of physical examination, moral character and general fitness, and mental examination.

§ 573.30 *Physical examination—(a) General.* Each applicant will be subjected to a thorough and rigid physical examination, conforming to the standard prescribed by the Department of the Army. A Wassermann test will be made. The physical examination will be made complete in each case, even though a disqualifying defect is discovered, in order to ascertain whether or not any other defect exists. Should there be any doubt as to the disqualifying nature of physical defects, or should such defects be remediable, an applicant should not be deprived of the privilege of appearing for mental examination, if he desires to appear. The cause of physical rejection will be so clearly established and stated as to be conclusive as to the reasonableness and propriety of rejection. All physical defects must be made of record and made known to the applicant.

(b) *Waiving of physical defects.* (1) If the candidate is found to be physically disqualified, or to possess minor physical defects not in any way interfering with his future performance of duty, his examination will proceed with the understanding that final action as to waiver of physical defects rests with the Department of the Army.

(2) A candidate will not be accepted subject to performance of operations for the removal of physical defects, to future improvement in his physical condition, or to future examination.

§ 573.31 *Examination for professional fitness—(a) Moral character and general fitness.* (1) The board will inquire into the moral character and general fitness of the applicant. Examination will be made of the certificates regarding habits and moral character forwarded with the candidate's application and whatever additional letters and testimonials he may submit. The board will not confine its inquiry to the recommendations submitted, but will carefully question and judge the applicant and will secure additional information from reliable sources that will be of value in determining his moral character and general fitness for appointment. In addition to his moral character, the board will investigate, observe, and grade the applicant's personality, appearance, tact, bearing, platform appearance, delivery (including voice) and general adaptability to the military service.

(2) Findings as to moral character and as to general fitness will be clearly separated in the report of the board.

(3) If the board finds a candidate disqualified on account of moral character or general fitness he will be so informed and his examination will not be continued unless he so requests. Reasons

for rejection must be so clearly stated in the board's report as to establish the reasonableness and propriety thereof.

(4) Any unfavorable reports considered during the examination for moral character and general fitness will be made known to the applicant so far as may be done without violating the confidential nature of such reports, and the applicant will be afforded opportunity to submit such explanation thereof as he may desire.

(b) *Written theses.* (1) Applicants shall be required by the board to write two theses, one on some vital topic of current events, the other dealing with some phase of psychology, sociology, or ethics, as it relates to the work of a clergyman.

(2) Candidates will be given 2 hours for the writing of each thesis.

(3) The examining board will grade the theses on coordination and development of theme, correctness of English, development of interest through style and content, and the mental alertness of the candidate as reflected in the thesis.

(c) *Educational fitness.* The relative standing of the educational fitness of the various candidates will be determined by an examination of their college and seminary transcripts, taking into consideration their relative standing in their graduating classes. Points will count as follows:

Average grade:	Points
70.....	125
75.....	150
80.....	175
85.....	200
90.....	225
95.....	250

(d) *Written examinations.* (1) If, after an examination of college and seminary transcripts of credits, the examining board finds that additional tests should be made, it may require any applicant or applicants to take a written examination, based on any standard college textbook, on one or more of the following subjects:

United States history.
General history.
Modern language (French, Spanish, or German).
Education.
Economics.
Political Science.
Philosophy, Psychology, and ethics.
Sociology.

To qualify for appointment, a grade of not less than 70 must be attained in each subject taken.

(2) Examinations will be written and the candidate will certify on each examination paper that he has received or given no unauthorized assistance during the examination. Questions will be prepared by the Department of the Army. Examinations in any subject will be taken simultaneously by all who are required to take them. Reexaminations will not be permitted. The results of these examinations will be given general consideration in the final selection of applicants for appointment.

§ 573.34 *Awarding of grades.* Examination papers will be graded under the supervision of the Chief of Chaplains.

In awarding grades, an aggregate of 2,500 will be allotted to the several subjects of the examination and will be apportioned as follows:

Subject	Points
Evidence of successful pastoral experience.....	400
Thesis on an assigned current event:	
Mental alertness.....	100
Development of interest through style and content.....	100
Correctness of English.....	100
Coordination and development of theme.....	100
Thesis on an assigned subject related to a clergyman's work:	
Mental alertness.....	100
Development of interest through style and content.....	100
Correctness of English.....	100
Coordination and development of theme.....	100
General fitness:	
Appearance.....	100
Bearing.....	100
Personality.....	100
Tact.....	100
Platform appearance.....	100
Delivery including voice.....	100
Adaptability to military service.....	200
Educational fitness as determined—	
By college transcript.....	250
By seminary transcript.....	250
Total.....	2,500

No candidate will be passed by the board who does not attain a minimum of 70 per cent in evidence of successful pastoral experience, thesis on current events, thesis relating to a clergyman's work, and general fitness, and a general average of 75 percent, a total of 1,875 points.

§ 573.35 *Order of appointment.* The total points attained by each qualified candidate in the examination will determine his relative order of appointment in accordance with vacancies in the denominational quotas.

§ 573.36 *Selection of appointees.* (a) No person will be appointed without a thorough examination to determine his fitness for appointment. While the selection of appointees will be based largely on examinations, due consideration will be given to any military records on file in the Department of the Army.

(b) Upon the completion of the grading of examination papers, the board of review will transmit its report to the Chief of Chaplains to consider the complete examination reports and any Department of the Army and Army area records of the candidates in connection with the vacancies to be filled.

(c) The report of the board will state the general average of each candidate and will, from such average and the records, determine whether or not each candidate is, in its opinion, qualified for appointment. Qualified candidates will be arranged in the order of averages attained in the examination for appointment. Between candidates having equal averages, priority of selection will be given to candidates holding commissions as chaplains in the Officers' Reserve Corps or in the National Guard. The findings and recommendations of the board and recommendations of the Chief of Chaplains will be transmitted to The Adjutant General for the action of the Secretary of the Army.

§ 573.37 *Appointment; notification of rejection.* The Adjutant General will cause appointments to be tendered in accordance with recommendations approved by the Secretary of the Army, as provided in § 573.36 and will cause proper notification to be sent to candidates who have not been selected. Prior to such notification, no information will be given concerning candidates under consideration. Appointees will be given a reasonable time to accept appointment and to report for duty.

OFFICERS APPOINTED IN THE ARMY OF THE UNITED STATES UNDER THE PROVISIONS OF THE ACT OF SEPTEMBER 22, 1941

AUTHORITY: §§ 573.200 to 573.218 issued under 55 Stat. 723; 10 U. S. C. 484 (note).

DERIVATION: AR 605-10, May 26, 1944.

§ 573.200 *Appointments; general provisions.* (a) The regulations contained in §§ 573.200 to 573.218 (AR 605-10) govern appointments made in the Army of the United States under the provisions of the act of September 22, 1941 (55 Stat. 723; 10 U. S. C. 484 (note)). Such appointments are made for the purpose of providing, during the present emergency, necessary additional officer personnel that cannot be provided by the Regular Army, the National Guard of the United States, and the Officers' Reserve Corps.

(b) The provisions of §§ 573.200 to 573.218 (AR 605-10) are not applicable to temporary appointments in the Army of the United States made under authority other than that contained in the above mentioned act; and nothing contained here prohibits or affects appointments or promotions in other components of the Army of the United States under existing laws and regulations.

§ 573.201 *Duration of appointments.* All appointments are made for the duration of the present emergency and 6 months thereafter, unless sooner terminated.

§ 573.202 *Command and administration.* (a) Except as specifically indicated herein, the command and administration of officers appointed under §§ 573.200 to 573.218 (AR 605-10) including the functions of procurement, assignment, promotion, transfer, and discharge, will be accomplished in accordance with current regulations and instructions of the Department of the Army governing the Officers' Reserve Corps.

(b) Officers of the Army of the United States appointed under §§ 573.200 to 573.218 will, while on active duty, be subject to such laws and regulations for the government of the Army as are applicable to personnel whose permanent retention in the military service is not contemplated by law, and will be entitled to the same rights, privileges, and benefits as members of the Officers' Reserve Corps.

§ 573.203 *Procurement objective.* (a) Initial appointments in the Army of the United States will be made in such numbers and in such grades as may be specifically authorized from time to time by the Department of the Army for the several arms and service and Department of the Army agencies. These authorizations will constitute procure-

ment objectives for all appointments and will not be exceeded.

(b) The prescribed student training capacity of an officer candidate school constitutes an approved procurement objective for the appointment of all successful graduates of such school.

(c) Procurement objectives for appointments other than graduates of officer candidate schools will normally be approved only for those arms and services and other Department of the Army agencies which require officers for overhead duties that can be performed by persons without general military training.

(d) Procurement objectives will not be approved solely to permit the appointment of a named individual.

§ 573.204 *Age and citizenship requirements.* An officer of the Army of the United States must at the time of appointment be a citizen of the United States or of the Philippine Islands, or a citizen of a cobelligerent or friendly country who otherwise possesses the same qualifications as a citizen of the United States, between the ages of 18 and 60 years.

§ 573.205 *Categories disqualified for appointment.* Any individual in any of the following categories is disqualified for initial appointment in the Army of the United States.

(a) Cadets, United States Military Academy.

(b) Persons qualified and eligible for appointment in the Officers' Reserve Corps under existing regulations.

(c) Persons on either the active or reserve list of the Navy, Marine Corps, Coast Guard, Public Health Service, and Coast and Geodetic Survey.

(d) Civilian officers or employees of the United States or of the District of Columbia, without the written consent of the head of the department or service concerned.

(e) Persons subject to induction under the Selective Training and Service Act of 1940, as amended, whose induction has been ordered.

(f) Persons whose proposed duties are being or can be performed adequately by available civilian personnel.

(g) Persons whose services will not be immediately available to the Department of the Army upon being appointed to commissioned grade.

(h) Former commissioned officers of the Navy, Marine Corps, Coast Guard, or of any component of the Army of the United States, whose appointment is prohibited by the provisions of paragraph (e) of this section, or whose commissions were terminated because of inefficiency or under other than honorable conditions: *Provided*, That former commissioned officers of these categories who are on active military service in warrant or enlisted status may be appointed upon the approved recommendations of a board of officers convened for the purpose of determining the professional and moral fitness of the particular applicant for appointment. (See also § 573.206 (c).)

§ 573.206 *Grades in which appointed.* Appointments may be made in any grade

for which the appointee is qualified and eligible, subject to the following limitations:

(a) Graduates of officer candidate schools will be initially appointed as second lieutenants only.

(b) Appointments in the Medical Corps, Dental Corps, Veterinary Corps, and for duty as chaplains will be limited to first lieutenant to colonel, both inclusive.

(c) (1) If a former commissioned officer of the Army, Navy, Marine Corps, or Coast Guard of the United States applies for a commission after his induction under the Selective Training and Service Act of 1940 he will make application through his immediate commanding officer. If recommended by the examining board, he may be appointed to a grade not higher than that formerly held by him.

(2) If recommended for a commission in the Army prior to his call for induction under the Selective Training and Service Act of 1940 and he is otherwise qualified for the position in accordance with § 573.205, a former commissioned officer may be appointed, irrespective of his age or Selective Service status, to a grade commensurate with his ability.

§ 573.207 *Qualifications for initial appointments.* (a) Normally, applicants for initial appointment will be required to qualify as to military and nonmilitary education under the standards established for appointment to corresponding grade in the Officers' Reserve Corps, except that military and nonmilitary educational requirements may be waived in whole or in part upon the recommendation of the arm or service concerned.

(b) In the case of persons recommended for appointment from civil life as commissioned officers in the Army of the United States, the recommendation must include satisfactory evidence that the recommended individual possesses special qualifications, and that these special qualifications are required in the position to which he is to be assigned if commissioned, and that individuals of the required qualifications are not readily available in the ranks of the Army. (See § 573.205 (f).)

(c) Appointments for Table of Organization positions in approved authorized affiliated units of the Medical Department, Ordnance Department, Corps of Engineers, Quartermaster Corps, or Signal Corps, and appointments for the electronics training group, Signal Corps, that formerly would have been made in the Officers' Reserve Corps, will be made in the Army of the United States. Appointments in affiliated units will not be made unless the person to be appointed is a bona fide officer or employee or member of the organization, institution, or association sponsoring the affiliated unit and is otherwise qualified under the regulations in this part.

(d) When a commander of United States forces outside the continental United States is granted special authority by the Department of the Army to appoint or to recommend the appointment of officers, Army of the United States, the

qualifications for appointment will be as indicated in the special Department of the Army instructions authorizing the appointments.

§ 573.208 *Applications for appointment—(a) General.* Except for graduates of officer candidate schools, applications for initial appointment in the Army of the United States will be submitted and processed as follows:

(1) *Form of application.* WD AGO Forms Nos. 0850 and 0850a (Personnel Placement Questionnaire)

(2) *Accompanying papers.* Each application for appointment will be accompanied by:

(i) Report of Physical Examination (WD AGO Form No. 63 or 64, as applicable) (See §§ 573.216 to 573.218.)

(ii) A statement that the recommended appointee is or is not a Selective Service registrant.

(iii) If a Selective Service registrant, a certificate from the appointee's local board giving his Selective Service classification, and certifying that his induction has or has not been ordered.

(iv) If an enlisted man or warrant officer, evidence that he meets the requirements of paragraph 9b, AR 605-10,¹ to include report of examining board,

(v) A statement by the recommending authority as to the specific assignment or duty for which the appointment is desired, and indicating the approved procurement objective under which appointment is authorized.

(3) *How forwarded.* Applications, with accompanying papers, will be forwarded through military channels to the Officer Procurement Branch, AGO, Department of the Army, Washington, D. C.

(4) *Final action.* Final action after receipt of papers by the Officer Procurement Service will be in accordance with current instructions to that Branch.

(b) *Graduates, officer candidate schools.* Applications for appointment from individuals selected to attend officer candidate schools will be processed in accordance with current instructions of the Department of the Army governing officer candidate schools.

§ 573.209 *Designation of arm or service.* (a) In the case of appointment of graduates of officer candidate schools, the designation of the school from which graduated will be stated in the notice of appointment.

(b) All other appointments under §§ 573.200 to 573.218 will be without reference to an arm or service, except that, in the case of appointment of a chaplain or for service in the Medical Department, service for which appointed will be stated in the notice of appointment.

§ 573.216 *Physical standards.* The physical standards for appointment and promotion, for retention of commission, and for entry upon active duty of an officer appointed in the Army of the United States under §§ 573.200 to 573.218 (AR 605-10) are those prescribed for the Off-

¹ Administrative regulations of the Department of the Army relative to officers appointed in the Army of the United States.

cers' Reserve Corps in AR 40-100,¹ 40-105,² and, when applicable, 40-110,² all as supplemented or modified by current Department of the Army instructions.

§ 573.217 *Physical examinations.* Physical examination of applicants for appointment, and of officers appointed in the Army of the United States, will be required and conducted as prescribed for members of the Officers' Reserve Corps in Army Regulations and current Department of the Army instructions supplementary thereto. Examinations of the scope prescribed for Reserve officers ordered to extended active duty are mandatory prior to initial appointment, upon being ordered to active duty, and upon completion of active duty. (See § 573.208 (a).)

§ 573.218 *Waiver of physical defects.* Deviations from normal physical standards that will not interfere with nor prevent the full and satisfactory performance of the duty for which the individual is being appointed or is being ordered to active duty, and that are not of a nature likely to be aggravated to a disabling degree by active military service, may be waived in the manner and under the conditions authorized in current Department of the Army instructions.

APPOINTMENT OF WARRANT OFFICERS

AUTHORITY: §§ 573.300 to 573.319, issued under 54 Stat. 1177, 55 Stat. 651, 652, 1177; 10 U. S. C. 591-599.

DERIVATION: AR 610-10, Sept. 28, 1944.

GENERAL INFORMATION

§ 573.300 *Eligibility.* The following persons are eligible to apply for appointment as warrant officer, junior grade:

(a) Commissioned officers of the Army of the United States (except those commissioned in the Regular Army) and former officers of the Regular Army whose separation from active service was under honorable conditions.

(b) Enlisted men of the Army of the United States and former enlisted men of the Regular Army who were discharged under honorable conditions.

All applicants must be male citizens of the United States between the ages of 21 and 45 years, physically qualified, and have completed at least 1 year's active duty in the Army of the United States on the final date applications are due to be submitted to organization commanders. (See also § 573.310.)

§ 573.302 *Examinations.* General examinations will be conducted under the supervision of Army area commanders.

(a) *Preliminary.* A preliminary examination will be conducted at each post by a board of officers who will examine the applications and reports of physical examination, interview the applicants, and determine whether or not they possess the moral character, general fitness, and educational and technical qualifica-

tions necessary to justify their further consideration.

(b) *Final.* A final written examination will be conducted by post commanders under the supervision of army area commanders and in accordance with special instructions issued by the Department of the Army. This examination in general will consist of two parts: First, a general educational examination taken by all applicants; and second, a technical examination to determine the applicant's specialist qualifications.

These examinations will be scored by Army area commanders under instructions issued by the Department of the Army.

§ 573.303 *Appointments.* (a) Successful applicants will be reported by army area commanders to the Department of the Army. From a consolidated report, arranged by classifications and examination scores in both educational and technical tests, the Department of the Army will prepare eligible lists. The scores of both tests will be converted into percentile scores (percentage of cases up to and including a score), and the average of these two percentiles will be the composite score that will determine the order of eligibility within each classification. Appointment will be tendered to successful applicants in such numbers as may be required to fill existing vacancies. An additional number of successful applicants necessary to cover possible vacancies will be carried on eligible lists for appointment until the next succeeding examination for appointment is held. All original permanent appointments as warrant officer, junior grade, will be probationary for a period of 3 years. See § 573.313.

(b) If a successful applicant is serving on active duty as a commissioned officer or chief warrant officer in the Army of the United States and is under age 45 at the time his name is reached on the eligible list for appointment as a warrant officer, junior grade, to fill an existing vacancy, such applicant, if found physically qualified at that time, will be tendered a selection letter advising him of his selection for appointment upon honorable termination of active duty. The recipient of a selection letter whose active service as a commissioned officer or chief warrant officer terminates honorably and who applies for such appointment within 6 months after the termination of his active service will, irrespective of physical disqualification incurred or having its inception while on active duty in line of duty, be given such appointment if a vacancy within the authorized allotment of warrant officers, junior grade, Regular Army, exists at the time he applies for such appointment. To insure the existence of such vacancies, a vacancy will be reserved for the recipient of each selection letter until he applies for such appointment or notifies The Adjutant General of his intention not to enter such application, but not longer than 6 months after the termination of his active service. The date of rank upon appointment is the date of the selection letter, except that if an applicant reaches his 45th birthday after his name has been

reached on the eligible list, to fill an existing vacancy, but before completion of the administrative procedures incident to issuance of a selection letter, he will, if physically qualified, be tendered a selection letter specifying the date of rank as the day preceding his 45th birthday.

ELIGIBILITY

§ 573.304 *Age.* All applicants must have attained their 21st birthday and must not have passed their 45th birthday at the time of their appointment, except that applicants holding selection letters under the provisions of § 573.303 (b), and who pass their 45th birthday subsequent to the effective date of their selection letters, may be appointed. If in active military service, applicants may be permitted to apply for appointment provided they are not less than 20 years and 9 months nor more than 44 years and 9 months of age on the date of final examination.

§ 573.305 *Grade.* (a) Permanent appointments in the Regular Army as warrant officer, junior grade, will be tendered only to officers (except Regular Army officers) temporary warrant officers, and noncommissioned officers of the Army of the United States, and to former officers and noncommissioned officers of the Regular Army, whose separation from active service was under honorable conditions.

§ 573.306 *Service requirements.* Permanent appointments in the Regular Army as warrant officers, junior grade, will be tendered only to officers and noncommissioned officers who have completed 3 years' continuous service on active duty in the Army of the United States.

§ 573.307 *Physical standards.* All applicants will be required to meet the physical standards prescribed for appointment as commissioned officers. See paragraph 18, AR 40-105.¹

§ 573.308 *Education.* The general educational examination is considered to require graduation from an accredited high school, or the equivalent thereof, in order to obtain a qualifying mark. Certain technical examinations are considered to require the equivalent of 2 years of college, business, or trade school, or the equivalent thereof, in order to obtain a qualifying mark. The application of any candidate who received a score of less than 110 on the Army general classification test will be returned disapproved.

§ 573.309 *Civilian experience.* In cases where civilian experience is similar to that of the warrant officer classification for which appointment is being sought, consideration will be given for this experience as a substitute for a portion of the military service requirement prescribed in § 573.305. For details see §§ 573.318 and 573.319.

APPLICATION, EXAMINATION AND APPOINTMENT

§ 573.310 *Submission of application.* Application for appointment will be made on WD AGO Form No. 61 or a legible

¹ Administrative regulations of the Department of the Army relative to standards of physical examination.

² Administrative regulations of the Department of the Army relative to standards of physical examination for flying.

facsimile thereof. The application will be accompanied by a completed WD AGO Form No. 63 (Report of Physical Examination) and will be submitted to the applicant's unit or detachment commander. Persons not in active military service will submit their applications to the nearest Army post commander. Applications will be submitted not later than September 30 of each year in which an examination is held. When special examinations are announced by the Department of the Army, the date of submission of applications will be indicated in such announcement.

§ 573.311 Preliminary examination—

(a) *Action by post commander* When all applications have been received, the post commander will appoint a board of officers to conduct the preliminary examination. Wherever the appointment of a board is impracticable, report will be made to the army area commander who will make suitable arrangements for the conduct of the preliminary examination.

(b) *Examination by board.* The board will carefully examine all applications and reports of physical examinations. Each applicant will appear before the board and will be interviewed by the members thereof. The applicant's past experience and general adaptability in military service, with particular reference to the appointment which he is seeking, will be carefully investigated. The board will observe the applicant's personality, appearance, bearing, moral character, and general fitness for military service. The purposes of the preliminary examination in general will be to eliminate from further consideration those applicants whose future value to the military service is questionable.

§ 573.312 *Final examinations*—(a) *Action by post commanders.* When an examination is announced by the Department of the Army and Educational and technical examinations will be conducted by the post commander, who will appoint necessary boards of officers to supervise and conduct the final examination in accordance with special instructions issued by the Department of the Army in connection therewith.

(b) *Educational.* The educational examination will be given to all applicants. This examination is designed to ascertain the extent to which the applicant possesses the general education required of warrant officers in the Army. It will test the applicant's powers of comprehension, judgment, and reasoning, and his knowledge of English, United States history, and contemporary affairs. A brief description of the subject matter covered in the educational examination follows:

(1) *Part I, comprehension*—(i) *Section 1, vocabulary.* This section is designed to measure the candidate's knowledge of military terms and general terms widely used in military language.

(ii) *Section 2; reading comprehension.* This section requires the ability to comprehend details and select the principal ideas in portions of Army Regulations quoted.

(iii) *Section 3.* This section measures the ability to read and interpret charts, paragraphs, and indexes widely used in

different types of regulations, manuals, and military documents.

(2) *Part II, judgment and reasoning*—(i) *Section 1.* This section measures the ability to reason in arithmetic problems, employing simple computations in addition, subtraction, multiplication, division, including decimals, percentages, and proportions.

(ii) *Section 2.* This section requires the ability to make reasonably sound decisions from a number of given facts in both theoretical and real situations.

(iii) *Section 3.* This section measures the ability to make approximate estimates for common sense interpretation of everyday numerical facts.

(3) *Part III, English expression*—(i) *Section 1.* This section is designed to measure the ability to use correct English and to recognize clear and effectively written expressions. It does not measure the ability to state specific rules of technical grammar, but it measures the ability to apply and recognize correct grammatical principles.

(ii) *Section 2.* This section is designed to measure the ability to arrange sentences properly within a paragraph and to arrange an outline.

(4) *Part IV History and contemporary affairs.* This section is designed to provide a measure of the candidate's knowledge of and ability to interpret contemporary affairs, and the significance of important events in United States history.

(c) *Technical.* This examination is designed to test the applicant's knowledge and technical qualifications for the position for which he is applying. Separate examinations will be given for the respective classifications listed in AR 610-10. The general scope of the various technical tests is given in §§ 573.318 and 573.319.

§ 573.313 *Final list of applicants* (a) Upon the receipt of all reports from army area commanders the Department of the Army will prepare a final list of successful candidates in order of military grade, length of service, and age.

(b) This list will establish the order from which appointments will be made and where appointments are made on the same day, will establish the seniority of appointees.

§ 573.314 *Permanent appointments.* Permanent appointments as warrant officers, junior grade, United States Army, will be tendered successful applicants in order of their standing on the final lists. Each warrant officer so appointed will be classified according to the administrative or technical specialty for which he was examined and his classification will be designated upon his warrant. Warrant officers will be assigned to duty with the various arms and services with due regard to prior service, classification for which examined, the requirements of the arm or service concerned, and individual preference. All permanent appointments in the Regular Army as warrant officer, junior grade, will be probationary for a period of 3 years.

§ 573.315 *Eligible list.* The names of qualified applicants who are not immedi-

ately appointed will be carried on an eligible list until the next succeeding examination, but in no case longer than 1 year. Vacancies occurring subsequent to the final examination and prior to the next succeeding examination may be filled by appointments from this eligible list, subject to physical examination.

§ 573.316 *Temporary appointments.* In time of war or national emergency qualified applicants who do not receive permanent appointments may be given temporary appointments which will remain in effect at the pleasure of the Secretary of the Army, but in no case extend beyond 6 months after the end of the war or period of national emergency.

§ 573.317 *Future examinations.* The fact that an applicant's name has been borne on an eligible list or that an applicant has been tendered a temporary appointment will not exempt such applicants from future examinations for permanent appointment as warrant officers in the Regular Army.

§ 573.318 *General scope of final examination (technical), administrative-clerical*—(a) *General.* The final examination will cover the following subjects: organization of the Army; organization of the Adjutant General's Department; general duties of The Adjutant General; staff data; military personnel; personnel management and personnel records, recruiting, the wearing of the uniform, pay and allotments, Government life insurance, efficiency reports, military discipline, prisoners, honors and awards, and the deceased; appointment and reduction, leaves, transfers, furloughs, foreign service, physical inspections, and separation from the service; rations and clothing, salvage and laundry activities, transportation of baggage, sale of supplies and services; Army Regulations covering administration of service commands, posts, camps, stations, and exchanges; administration and training of Reserve officers; Army Regulations covering correspondents, safeguarding military information, and strength returns.

(1) *Auditing and accounting.* The organization of the Inspector General's Department; principles and methods of accounting and double-entry bookkeeping, especially a knowledge of profit-and-loss statements, balance sheet, general and Army practices in classifying, debiting, and crediting, posting, and closing accounts; sales of goods and services to enlisted men.

(2) *Judge Advocate General's Department.* Important subject matter covered in the Manual for Courts-Martial, United States Army (1928), including the current circulars and memoranda pertaining thereto, and the Articles of War and other appendices; military personnel; management and records; recruiting; wearing of the uniform; efficiency reports; designation of beneficiaries; awards; leaves, furloughs, passes, delays, transfers, details, assignments, traveling, and separation from the service; general provisions relating to pay; prisoners; the deceased; organization of the Army; general duties with which The Adjutant General is charged; organization and

operation of The Adjutant General's Department; staff data; general provisions for warrant officers; expenses of courts martial, courts of inquiry, military commissions, and retirement boards; administration of posts, camps, and stations; exchanges.

(b) *Fiscal-auditing and disbursement.* The subject matter covered in the entire series of Army Regulations and Department of the Army circulars pertaining thereto which relate to the Finance Department; all Finance Department circulars.

(c) *Supply*—(1) *General.* Procurement of supplies; the Quartermaster Corps; transportation of troops, supplies, and baggage; salvage, laundry, and ice services; unserviceable property; collection and disposal of waste material; rations and subsistence stores; items and price list of supplies; bills of lading; standard quantities of heat, light, and electric power; fire protection; the Finance Department; monetary allowances; property requisitioning, receipt, issue, sales, and accountability and responsibility expendable, lost, destroyed, damaged, or unserviceable property; property accounting; correspondence; duty rosters and morning reports; clothing; storage and issue of supplies; types of equipment; marking of clothing, equipment, vehicles, and property military motor vehicles; printing and binding; authorized abbreviations.

(2) *Scope for final examinations applicable to specific arms and services*—

(i) *Supply (Army Air Forces)* Procurement of supplies; the Quartermaster Corps; transportation of troops, supplies, and baggage; salvage and laundry activities; unserviceable property including waste material; rations; the Finance Department; agent officers; general fiscal procedure; allowances; property requisitioning, transfers, accountability, and responsibility expendable, lost, destroyed, or unserviceable property, receipt, shipment, and issue; auditing property accounts; military publications; correspondence; military records; duty rosters, service records, preparation of Army pay rolls, final statement; clothing and types of equipment; authorized abbreviations; United States Air Force supply system; procurement and maintenance of equipment; material and labor accounting; general provisions for storage; stores and exchanges; parachute record; aircraft fuel and oil-price list and locations.

(ii) *Supply (Medical Corps)* General provisions relating to the Medical Corps; medical service of the division and in joint overseas operations; military hygiene and sanitation; sanitary reports; the collection and preparation of pathological and other specimens for shipment to laboratories; the prevention of communicable diseases; records of morbidity and mortality medical supplies; property accountability and responsibility, requisitioning, receipt, shipment, and issue; expendable, lost, destroyed, damaged, and unserviceable property property accounting; procurement, transportation, storage, and issue of supplies; transportation of authorized baggage, correspondence; orders, bulletins, circulars, and memoranda; service

records; daily sick reports; burials on the field of battle; types of equipment.

(iii) *Supply (Ordnance Department)* Property; accountability and responsibility requisitioning, receipt, shipment, issue, and sales; lost, destroyed, damaged, or unserviceable property property records; auditing property accounts; ordnance property; supplies; procurement, transportation, storage, and issue; bills of lading; fiscal procedure; pay, allowances, and allotments; correspondence; military records; preservation and disposition, preparation of Army pay rolls and model remarks, morning reports and daily sick reports; safeguarding military information; inspections; transportation of individuals; ordnance field service; report of principal items of supplies, annual estimate of funds, and financial administration of maintenance activities.

(iv) *Supply (Signal Corps)* Procurement, transportation, storage, and issue of supplies; salvage and laundry activities; rations, pay, allowances, and allotment; property accountability and responsibility, receipt, shipment, issue, and requisitioning; post messes; correspondence; orders, bulletins, circulars, and memoranda; Tables of Organization, Tables of Basic Allowances, and Tables of Allowances; duty rosters, service records, morning reports, daily sick reports, personnel rosters, discharge certificate; preparation of Army pay rolls and model remarks; arrest and confinement of personnel; deceased personnel; clothing; authorized abbreviations; telegraph, cable, and radio service; Signal Corps reports; mission, function, and signal communication in general.

§ 573.319 *General scope of final examination (technical) technician specialists*—(a) *Aviation*—(1) *Armament.* General; fixed, for harbor defense, heavy field, and railway artillery for howitzers and small arms; aircraft bombs and bomb components; hand grenades; unsafe ammunition; ammunition reimbursement prices; packing and marking ammunition, projectiles, propelling charges, aircraft bombs, fuzes, and other components; military explosives and pyrotechnics; transportation of explosives, inflammables, and chemical warfare materials; inspection of property charges and bulk powder; ammunition nomenclature and shipping names; electric armament controls; Browning aircraft machine gun and machine-gun sights; synchronizing; bomb racks, two-target equipment, and flare racks; range regulations for firing ammunition in time of peace; qualification in arms, and ammunition training allowances; lost, destroyed, damaged, and unserviceable property regulations and safety provisions pertaining to ordnance.

(2) *Bombsight.* Theory of bombing; bombing technique and errors; bombing trainer; theory and operation A. F. C. E. service units; maintenance A. F. C. E., storage and shipping of bombsights and A. F. C. E., theory of bombsight, M-series No. 3; maintenance M-series sight; calibration of M-series; gyroscopes and electricity.

(3) *Engineering.* Military aircraft travel and transportation; organizations, channels of communications; parachute

record; distribution of Army Air Forces circulars; airplane structure; aircraft electrical systems; induction, fuel, and oil systems; propellers; instruments; sheet metal work; aircraft lathes; milling machines, shapers, and planers; grinding machines; the Link trainer; welding; parachutes, aircraft fabrics, and clothing; issue of personal flying equipment; publication of information on Army and Navy Department airplanes and engines.

(4) *Photographic.* Basic, aerial, ground, mapping, and motion picture photography; general knowledge of map and aerial photograph reading; use of aerial photography in modern warfare; photographic training and operations; use and repair of aircraft cameras; photographic equipment and supplies; the photo-electric cell; filter factors; printing; code designation of United States Air Force photographs; unsatisfactory reports.

(5) *Signal communication.* Signal Corps mission, functions, and signal communication in general; radio and radio-telephone procedure; aircraft radiofrequency assignments; electrical fundamentals; electrical armament controls; knowledge of signal communication radio sets and maintenance equipment.

(6) *Weather.* Synoptic and aeronautical meteorology; physical and dynamical meteorology pilot balloon observations.

(b) *Motor transport; general.* General provisions and principles covering motor transport; operation, maintenance, and repair of military motor vehicles; registration and inventory of motor vehicles; chassis, body, and trailer units; the internal combustion engine; automotive electrical systems; automotive power transmission units and brakes; automotive lubrications, fuel, and carburetors; motor transport inspection; marking of vehicles and other motor transport equipment.

(c) *Munitions (ammunition)*—(1) *General.* General provisions, Ordnance Department; organization and functions of the ordnance field service; ammunition: general, for small arms, automatic guns, trench mortars, howitzers, field guns; seacoast, railway, field artillery, and antiaircraft guns; aircraft bombs; hand grenades; packing and marking ammunition, projectiles, propelling charges, aircraft bombs, fuzes and miscellaneous components; explosives and demolitions; transportation of explosives, inflammables and chemical warfare materials; inspection of property, charges, and bulk powder; ordnance safety provisions; storage and issue of supplies; range regulations for firing ammunition in time of peace; qualification in arms and ammunition allowances.

(2) *Munitions (Chemical Warfare Service)* Chemical warfare tactics and techniques; ordnance; general provisions, regulations, and safety provisions; ammunition; general, for howitzers, seacoast and railway artillery, antiaircraft, and field artillery aircraft bombs, hand grenades; projectiles and propelling charges; explosives and demolitions; transportation of explosives, inflammables, and chemical warfare materials; range regulations for firing ammunition in time of peace; qualification in arms

and ammunition training allowances; inspection of property for condemnation; use of smoke and lacrimators in training; defense against chemical attack; domestic disturbances.

(d) *Signal communication*—(1) *General.* Mission and function of signal communication in general; electrical fundamentals; telegraph, cable and radio service, commercial telephone, telegraph, and electric time service; operation and maintenance of United States military telephone and telegraph systems; radio procedure; electrical armament controls; knowledge of signal communication radio sets and maintenance equipment.

(2) *Signal communication (United States Air Force)* Signal Corps mission, functions, and signal communication in general; radio and radiotelephone procedure; aircraft radio frequency assignments; electrical fundamentals; electrical armament control; knowledge of signal communication radio sets and maintenance equipment.

(3) *Signal communication (Field Artillery)* Signal Corps mission, functions, and signal communication in general; radio procedure; electrical fundamentals; electrical armament controls; knowledge of signal communication radio sets and maintenance equipment; field artillery tactics and technique of signal communication.

(4) *Cryptographic.* The principles and methods of insuring signal security with emphasis on cryptographic security; the storage, handling, and transmission of registered documents; methods of using codes and ciphers.

(e) *Signal communication, electronics.* Qualified by reason of special training and/or experience to select a favorable site and supervise installation of the operating unit; make necessary adjustments to put unit in good operating condition, diagnose trouble in the unit as a whole or components or accessories and make or direct actual repairs; make repairs under difficult or unfavorable conditions, determine by tests the cause of defects in equipment and suggest methods for improvement of construction; instruct operators in proper methods of preventive maintenance on the unit components and accessories on more than one type of complex electronic set and associated accessory equipment. Prior training in electrical engineering and successful completion of the course of instruction in the operation, maintenance, and repair of radar equipment in an Army school.

(f) *Tank.* Operation, maintenance, and repair of tanks; machine shop practice; aircraft engines.

(g) *Animal transport.* Practical knowledge of fitting and use of pack saddles and auxiliary harness and equipment, lashing and hitching of all types of loads to pack animals, breaking and training of horses and mules, and care and feeding of riding, draft, and pack animals.

(h) *Topographic.* Practical and technical knowledge of surveying; drafting; map reproduction; aerial photograph reading; photography; photogrammetry; and organization and equipment of topographic units.

(i) *Reconnaissance.* Practical knowledge of surveying, drafting, design, and construction of simple engineering, aerial photograph interpretation, and sea-coast and antiaircraft gunnery.

(j) *Parachute maintenance.* Qualified parachute jumper; practical and technical knowledge of parachute rigging, maintenance, and supply; practical knowledge and ability to recognize defects in fabrics and materials used in parachutes.

ARMY MINE PLANTER SERVICE

AUTHORITY: §§ 573.330 to 573.333 issued under 54 Stat. 1177, 55 Stat. 651, 652, 1177, 10 U. S. C. 591-599.

DERIVATION: AR 610-10, Sept. 28, 1944.

§ 573.330 *Grades, Army Mine Planter Service.* Grades in the Army Mine Planter Service for which appointments as warrant officers, junior grade, will be made are: First mate, first assistant engineer, second mate, and second assistant engineer.

§ 573.331 *Examinations; second mate and second assistant engineer when held.* Competitive examinations for appointment in the grade of second mate and second assistant engineer will be held as vacancies occur and when announced by the Department of the Army.

§ 573.332 *Eligibility requirements; appointment of civilians as second mate or second assistant engineer.* Each candidate for appointment as a warrant officer, junior grade, in the Army Mine Planter Service must be included in at least one of the following groups:

(a) Former warrant officer of the Army Mine Planter Service.

(b) Former ship's officer on Army transport, Army harbor boat, or comparable service in the United States Navy, the United States Coast Guard, or the Merchant Marine.

(c) As second mate, a graduate who has served 2 years in the seaman'ship class of a nautical school ship and completed two ocean or coastwise cruises before graduation.

(d) Completed the course conducted by the United States Maritime Service for the instruction of unlicensed personnel to prepare them for marine license as third mate or third assistant engineer of ocean steam vessels.

(e) As second assistant engineer, a graduate from the engineering class of a nautical school ship, the term of such engineering class to be based upon a period of 2 years.

(f) Hold, as a minimum requirement, a license issued by the United States Department of Commerce, Bureau of Marine Inspection and Navigation, as third mate, coastwise or ocean steam vessels, or as third assistant engineer of ocean steam vessels.

§ 573.333 *Application, examination, and eligible list*—(a) *Application.* Each candidate for appointment will be required to submit to The Adjutant General, Washington, D. C., through coast artillery district commanders, an application on WD AGO Form No. 61 to take the examination. All data called for in this form will be included.

(b) *Eligible list.* Lists of candidates who are eligible for appointment in the

grades of second mate and second assistant engineer will be maintained by The Adjutant General.

(c) *Physical examination.* (See § 573.307.)

(d) *Moral character and general fitness.* (See § 573.302.)

(e) *Educational examination.* (See § 573.312 (b).)

(f) *Technical examination.* A technical examination is required of all candidates seeking original appointment as second assistant engineer or second mate who are unable to submit evidence of possession of the license specified in § 573.332 (f). This examination will be of the same general nature as that prescribed by the Bureau of Marine Inspection and Navigation for licensed officers, third assistant engineer, ocean or coastwise, steam vessels.

WARRANT OFFICERS, MARITIME AND MARITIME ENGINEER TEMPORARY APPOINTMENT IN THE ARMY OF THE UNITED STATES

AUTHORITY: §§ 573.371 to 573.373 issued under 55 Stat. 652; 10 U. S. C. 591a.

DERIVATION: AR 610-15, Dec. 28, 1945.

§ 573.371 *General.* (a) The classifications warrant officer, maritime and maritime engineer, will apply to temporary warrant officers only.

(b) Warrant officers, maritime, will be appointed to fill vacancies in marine grades as master, first mate, and third mate; and warrant officers, maritime engineer, in marine grades as chief engineer, first assistant engineer, second assistant engineer, and third assistant engineer, in the authorized military crews of tactical boat units and certain Transportation Corps boats.

(c) Examining boards may, in appropriate cases, conduct examinations and make recommendations for changes in the highest marine grade (see paragraph (b) of this section) for which a warrant officer, maritime, or a warrant officer, maritime engineer, is qualified.

§ 573.372 *Eligibility.* Eligibility requirements for appointment as temporary warrant officer, maritime or maritime engineer, will be as follows:

(a) *Leadership.* An applicant must have demonstrated positive qualities of leadership.

(b) *Character.* No applicant who has been sentenced to confinement in a penitentiary, or who has been convicted in any civil or military court for an offense denounced as a felony will be eligible for appointment. Evidence of the applicant's character while in the military service will be considered in forwarding applications.

(c) *Age.* An applicant must have attained his 18th birthday and must not have passed his 60th birthday on the date of appointment.

(d) *Citizenship.* An applicant must be a citizen of the United States or of the Philippine Islands or a citizen of a co-belligerent or friendly country who otherwise possesses the same qualifications as a citizen of the United States.

(e) *Service.* The applicant need not be serving in the Army of the United States nor have had prior service therein.

(f) *Physical.* The standard of final type physical examination will be that

required for commission in the Army of the United States. The commanders authorized to appoint temporary warrant officers and those commanders to whom they delegate this authority are authorized to take final action in the granting of waivers for minor physical defects.

(g) *Education and experience.* An applicant must have such education or practical experience as will insure his satisfactory performance of the duties in the classification for which application is made.

§ 575.373 *Appointment.* (a) The appointing authority will issue letters of temporary appointment as warrant officers, junior grade to fill existing vacancies in the appropriate classifications within his command.

(b) Applicants who successfully meet all requirements for appointment but who are not appointed will be issued a certificate of eligibility. These certificates may be accepted at the discretion of appointing authorities in lieu of final examination (technical) at any time within 1 year from the date of last examinations in which the applicant qualified.

PART 575—ADMISSION TO THE UNITED STATES MILITARY ACADEMY

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575.14	Physical (Medical) examination.
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575.15	Physical conditioning.
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575.17	Degree.
575.18	Promotion after graduation.
575.19	Pay and allowances of cadets.
575.20	Uniforms and supplies.
575.21	Communications.

AUTHORITY: §§ 575.1 to 575.21 issued under R. S. 161; 5 U. S. C. 22.

DERIVATION: Catalog of Information 1947-48, United States Military Academy, Dec. 1, 1947.

§ 575.1 *Military Academy—(a) Mission.* The mission of the Military Academy is to instruct and train the Corps of Cadets to the end that each graduate shall have the qualities and attributes essential to his progressive and continued development throughout a lifetime career as an officer of the Regular Army.

(b) *Direction and supervision.* Direction and supervision of the Military Academy are vested by law in the Department of the Army under such officer or officers as the Secretary of the Army may select, and, in accordance with this provision, the Chief of Staff has been designated as the officer in charge of all matters pertaining to the institution.

§ 575.2 *Admission to the Military Academy; general requirements.* (a) Candidates are eligible for admission from the day they are 17 (or 19 if from the Army of the United States) until the day they become 22¹ years of age, on which latter day they are not eligible. The age requirements for all candidates as well as the service requirements for appointment from the Army of the United States are statutory and cannot be waived.

(b) At the time of proposed admission the candidate's age must be within the prescribed age limits, and he must be a citizen of the United States.²

(c) He must be of good moral character.

(d) He must never have been married. Proof of prior marriage will be considered the equivalent of resignation from the Academy.

(e) No candidate shall be admitted who is less than 5 feet 6 inches in height, or who is deformed or afflicted with any disease or infirmity which would render him unfit for the military service, or who has, at the time of presenting himself, any communicable disease.

(f) Each candidate must, on reporting at West Point, present a certificate showing successful vaccination within 1 year; or a certificate of two vaccinations, made at least a month apart, within 3 months.

(g) If accepted, the candidate reports at the Military Academy before 10:30 a. m. on the first weekday in July. New cadets are received at and after 8 a. m. Facilities for the housing and feeding of new cadets are not available prior to 8 a. m. It is advantageous, however, to report as early as possible.

(h) Warrants of appointment are furnished cadets as soon as practicable after their admission.

(i) At the time of admission and before receiving their warrants of appointment candidates are required to take the oath of allegiance (see subparagraph (1) of this paragraph) and to sign in the presence of an officer deputized by the superintendent an engagement to service (see subparagraph (2) of this paragraph).

(1) *Oath of allegiance.*

I _____, do solemnly swear that I will support the Constitution of the United States and bear true allegiance to the National Government; that I will maintain and defend the sovereignty of the United States paramount to any and all allegiance,

¹Public Law 255, approved December 11, 1945, provides " . . . Any appointee who has served honorably not less than 1 year in the armed forces of the United States during any of the present wars, and who possesses the other qualifications required by law, may be admitted between the ages of 17 and 24 years: *Provided*, That whenever any member of the graduating class shall fail to complete the course with his class by reason of sickness or deficiency in his studies, or other cause, such failure shall not operate to delay the admission of his successor."

²Noncitizens may be permitted to attend the United States Military Academy under special laws enacted from time to time (see § 575.4 (c)). Further information may be obtained upon request to The Adjutant General, War Department, Washington 25, D. C.

sovereignty, or fealty I may owe to any State, county, or country whatsoever; and that I will at all times obey the legal orders of my superior officers and the rules and articles governing the Armies of the United States (R. S. 1329).

Sworn to and subscribed at _____ this _____ day of _____, nineteen hundred and _____, before me.

(2) *Engagement to service.*

I, _____, of the State (or Territory) of _____, aged _____ years, _____ months, do hereby engage (with consent of my parent or guardian) that from the date of my admission as a cadet of the United States Military Academy I will serve in the Army of the United States for 3 years unless sooner discharged by competent authority.

In the presence of _____

§ 575.3 *Appointments.* The figures given in § 575.4 indicate the maximum limits of representation at the Military Academy at any one time from the respective sources; consequently, no appointment can be made from any source except to fill a vacancy therefrom. All appointments are made by the President upon the designation of the authorized nominating authorities as outlined in detail in § 575.5. The law governing the appointment and admission of cadets to the Military Academy prescribes that they shall be appointed only within the year preceding the date of their admission. Accordingly, the appointments may be made after the first day of July with a view to admission on the next regular date of entrance, the first weekday of the following July. Candidates whose nominations are received in the Department of the Army on or before February 15, are appointed to undergo the annual entrance examination which is held at various military installations on the first Tuesday in March. Vacancies that occur subsequent to the March examination may be filled by the nomination of candidates to undergo the special examination held at West Point, N. Y., the third Tuesday in June. Only those candidates who are found to be mentally and physically qualified at the March or June examination may be nominated for appointment after the June examination has been held. Nominations of such candidates will be accepted if received in the Department of the Army not later than midnight on June 30 preceding the regular date of admission on July 1. Letters whose post-office marks clearly show that they were placed in the mail prior to midnight of June 30 are held to meet the foregoing requirement.

§ 575.4 *Composition of the Corps of Cadets—(a) United States and Territories.* Under an act of Congress approved June 3, 1942 (56 Stat. 306; 10 U.S.C. Sup., 1031c-1031d), the Corps of Cadets shall consist of 2,495² cadets, ap-

²In addition to the 2,495 cadets designated in § 575.4 (a), 59 Stat. 593; 10 U.S.C. Sup., 1031c, provides that the strength of the Corps of Cadets is " . . . increased by the President from the United States at large from among the sons of persons who have been or shall hereafter be awarded a Medal of Honor in the name of Congress for acts performed while in any of the armed forces of the United States . . . "

pointed in number and from sources as follows:

8 from each State at large.....	384
4 from each congressional district.....	1,740
4 from each Territory (Hawaii and Alaska)	8
6 from the District of Columbia.....	6
4 from natives of Puerto Rico.....	4
2 from Panama Canal Zone.....	2
172 from the United States at large ¹	172
180 from among the enlisted men of the Regular Army and of the National Guard, in number as nearly equal as practicable.....	180
Total	2,496

¹ Of whom 3 are appointed upon the recommendation of the Vice President, 40 are selected from among the honor graduates of those educational institutions designated as "honor military schools," 40 are chosen from among the sons of veterans who were killed in action or have died, or may hereafter die, of wounds received or disease contracted in line of duty during World War I or World War II, and 89 upon the personal selection of the President.

Section 2 of 56 Stat. 306; 10 U.S.C. Sup., 1091d referred to in this paragraph is quoted in § 575.5 (i)

(b) *Filipino cadets.* In addition to the 2,496 designated in paragraph (a) of this section, the Secretary of the Army is authorized to permit not exceeding four Filipinos (one for each entering class) to be designated by the President of the Republic of the Philippines to receive instruction at the United States Military Academy, under the provision of the act of Congress approved May 28, 1908, as amended (35 Stat. 441, as amended; 10 U.S.C. 1093) These students execute an agreement to comply with all regulations for the police and discipline of the Academy, to be studious, and to give their utmost efforts to complete satisfactorily the courses in the various departments of instruction.

(c) *Foreign cadets.* (1) The act of June 24, 1938, as amended by the act of June 26, 1946 (52 Stat. 1034, 60 Stat. 311, 20 U.S.C. 221) authorizes the President of the United States to designate not exceeding 20 persons at a time from the Latin American Republics to receive instruction at the United States Military Academy. Not more than three persons from any one of such republics may receive instruction under authority of that law at the same time. Such persons receive the same pay, allowances and emoluments, including mileage from their homes in proceeding to the Military Academy for initial admission, as cadets appointed from the United States.

(2) Citizens of other foreign countries have been permitted from time to time to attend the Military Academy upon specific authorization of the United States Congress in each case but are not entitled by reason of their graduation therefrom to appointment to any office or position in the United States Army. Applications of foreigners must be submitted to the United States Government through diplomatic channels by the foreign governments concerned and if favorably considered the matter is then presented to the Congress for appropriate action. Requirements for the admission, advancement and graduation of foreign cadets are identical with those

for United States cadets. In addition, foreign cadets must be provided with the same amount of funds provided by the United States Government for United States cadets, and not more, nor less, than that amount. The pay and allowances for a cadet are \$936 per year plus one ration per day (which varies with the cost of food) to commence the day he enters the Military Academy. A deposit of \$300 upon admission is also required.

§ 575.5 *Sources of admission.* Before a candidate can be permitted to undergo the entrance examinations to qualify for admission to the Military Academy, he must hold a letter of appointment issued by the Department of the Army. A letter of appointment is issued only upon receipt in the Department of the Army of a nomination from one of the recognized nominating authorities, to whom all applications for appointment must be made. The various sources of admission, together with the nominating authority of each, are fully described in paragraphs (a) to (i) of this section.

(a) *States at large, congressional districts, Territories, District of Columbia, and Puerto Rico.* The nomination of candidates, whether or not based upon preliminary competitive examination, for appointment from these sources, is entirely in the hands of the nominating authority who has the vacancy at his disposal and all applications must be addressed to him. These authorities are: (1) States at large: United States Senators; (2) Congressional districts: Representatives in Congress; (3) Territories: Delegates in Congress; (4) District of Columbia: commissioners thereof; (5) Puerto Rico: the resident commissioner. For each vacancy four candidates may be nominated, one to be named as principal, one as first alternate, one as second alternate, and one as third alternate. The first alternate, if qualified, will be admitted in the event of the failure of the principal; the second alternate, if qualified, will be admitted in the event of the failure of both the principal and the first alternate; and the third alternate, if qualified, will be admitted in the event of the failure of the principal, first, and second alternates. The law requires that candidates appointed from States at large, congressional districts, the Territories, the District of Columbia, or the island of Puerto Rico, must be actual residents thereof respectively.

(b) *Panama Canal Zone.* Appointments are made upon nomination of the Governor of the Panama Canal Zone and are restricted, by law, to the sons of civilians residing in the Canal Zone and the sons of civilian personnel of the United States Government and the Panama Railroad Company. Four candidates may be nominated for each vacancy in the same manner as outlined in paragraph (a) of this section.

(c) *Vice Presidential.* Appointments are made upon the personal selection of the Vice President and from the United States at large, there being no limitation imposed by law as to residence. Four candidates may be nominated for each vacancy in the same manner as outlined in paragraph (a) of this section. These appointments cannot be made until the

duly elected Vice President is sworn into office.

(d) *Honor military schools.* Honor graduates of honor military schools are nominated for appointment by the heads of the respective schools and in the following manner: The Adjutant General maintains a roster of honor military schools as determined by annual Department of the Army inspections of educational institutions of the essentially military type. In July each year The Adjutant General anticipates the vacancies in the Corps of Cadets for admission the following year which are open to honor graduates, makes an equitable distribution of those vacancies among the honor military schools and notifies them accordingly. The head of each institution so notified must submit to The Adjutant General at a specified time the nominations of the honor graduates selected. Four candidates may be nominated by each school in the same manner as outlined in paragraph (a) of this section. Each nomination must contain a certification by the head of the institution that the candidate is an honor graduate of a year for which the institution was designated an honor military school. No student may be rated as an honor graduate unless he has shown proficiency in subjects of his school work amounting to not less than the 15 units prescribed by the regulations for admission to the United States Military Academy. However, the institution is not limited to those graduates of the current year. All honor graduates are appointed subject to the same tests for mental and physical qualifications as are required of other candidates.

(e) *Sons of deceased veterans of World Wars I and II.* An act of Congress, approved June 8, 1926, as amended by acts of Congress approved December 1, 1942 and November 24, 1945 (44 Stat. 704, 58 Stat. 1024, 59 Stat. 586; 10 U.S.C. and Sup., 1091a) provides cadetships at the United States Military Academy for the sons of members of the land or naval forces (including male and female members of the Army, Navy, Marine Corps, and Coast Guard, and of all components thereof) of the United States, who were killed in action or have died of wounds or injuries received, or disease contracted, or preexisting injury or disease aggravated, in active service during World War I or II (as each is defined by laws providing service-connected compensation or pension benefits for veterans of those wars and their dependents.) The administration of these appointments has been delegated to the Department of the Army. Application should be made by letter (no form is prescribed) addressed to The Adjutant General, Department of the Army, Washington 25, D. C., showing the full name, date of birth, and address of applicant (complete service address should be given if applicant is in the armed forces), and the name, rank, serial number, and last organization of the veteran parent together with a brief statement concerning the time, place, and cause of death. The claim number assigned to the veteran parent's case by the Veterans' Administration should also be furnished. All candidates from this

source must undergo the regular entrance examination competitively since the vacancies available must, under the law, be awarded to those physically qualified candidates who make the highest proficient ratings in the order of merit established by the examination mentioned. Accordingly, candidates appointed under this law cannot qualify thereunder by the submission of educational records in lieu of the regular entrance examination. There is no restriction imposed as to residence.

(f) *Presidential.* These appointments are made upon the personal selection of the President and are reserved for the blood sons and adopted sons, if legally adopted prior to their fifteenth birthday, of members of the Regular Army, Navy, and Marine Corps who are still in the service, retired, or who died while serving therein. The available vacancies are awarded to those physically qualified competitors making the highest proficient ratings in the order of merit established at the annual entrance examination held the first Tuesday in March each year.

Accordingly candidates appointed from this source cannot qualify by the submission of educational records in lieu of the regular entrance examination. Failure of a candidate to report for examination, for any cause, at the time and place authorized will vacate his appointment. The administration of these appointments has been delegated to the Department of the Army. Application by those eligible should be made by letter (no form is prescribed) addressed to The Adjutant General, Department of the Army, Washington 25, D. C., giving the applicant's full name, address, and date of birth (complete service address should be given if applicant is in the armed forces) and the name, rank, and branch of service of the father. In the case of an adopted son, a copy of the order of court decreeing adoption, duly authenticated and certified by the clerk of the court, must accompany the application. There is no restriction imposed as to residence.

(g) *Regular Army and National Guard.* An act of Congress approved May 4, 1916 provides a quota of cadetships at the United States Military Academy to be divided equally between enlisted men of the Regular Army and of the National Guard. On or about June 1, each year, The Adjutant General determines the number of prospective vacancies that will be available from this source for admission with the class entering the Military Academy on July 1, of the following year. The number of candidates selected to compete for admission is four times the number of available vacancies which are awarded annually to those physically qualified competitors making the highest proficient averages in the order of merit established at the March entrance examination as follows: For Regular Army vacancies, from among all Army and Air Force competitors regardless of the command from which selected; for National Guard vacancies, from among all National Guard competitors regardless of the State, Territory, or the District of Columbia, from which selected. In view of the competitive

feature involved, failure of a duly appointed Regular Army or National Guard candidate to appear for examination, for any cause, at the time and place authorized will vacate his appointment.

(1) *Regular Army.* The law prescribes that the applicant must have completed as of the date of admission, one full year of active enlisted service in the Army and be in an active enlisted status at that time. It is not essential that the service be continuous; therefore, prior active Army or Air Force enlisted service may be counted in determining an applicant's eligibility. The major Army and Air Force commands are responsible for the selection of candidates, within the quotas allotted to each command, based upon written applications submitted through military channels by those eligible. Each selected candidate is issued a letter of appointment by the Department of the Army authorizing him to report for the regular entrance examination the following March which he must undergo in competition with the entire number of Army and Air Force candidates.

(2) *National Guard.* The law prescribes that an applicant must be an enlisted man of a federally recognized unit of the National Guard at the time of appointment and at the time of his admission to the United States Military Academy. He must also have served as an enlisted man in the National Guard not less than 1 year, as of the date of his admission. It is not essential that the service be continuous; therefore, former service in the National Guard may be counted in determining an applicant's eligibility. Service with a National Guard organization prior to its recognition by the Federal Government may be considered, the date of enlistment of the person concerned governing and not that of the recognition of the unit. Within quotas established by the Department of the Army, applicants are selected by the respective Governors of the States, Territories, and Puerto Rico, and the Commanding General of the District of Columbia National Guard from among successful competitors in a preliminary mental examination of a scope and nature similar to the regular United States Military Academy entrance examination conducted by the Governors and the Commanding General mentioned, between August 1, and November 15, of each year. Each selected candidate is issued a letter of appointment by the Department of the Army authorizing him to report for the regular entrance examination the following March which he must undergo in competition with the entire number of National Guard candidates.

(h) *Sons of Congressional Medal of Honor winners.* An act of Congress, approved November 24, 1945, provides that the number of cadets otherwise authorized by law at the United States Military Academy is increased by such number of cadets as may be appointed by the President from the United States at large from among the sons of persons who have been or who may later be awarded a Medal of Honor in the name of Congress for acts performed while in any of the armed forces of the United States: *Provided, That* such appointees

are otherwise qualified for admission. The administration of these appointments has been delegated to the Department of the Army. Application by those eligible should be made by letter (no form is prescribed) to The Adjutant General, Department of the Army, Washington 25, D. C., giving the applicant's full name, address, and date of birth (complete service address should be given if applicant is in the armed forces) and the name, rank, and branch of service of the parent and the date and a brief statement of the circumstances for which the Medal of Honor was awarded. Candidates appointed from this source may qualify in the same manner as a Congressional principal candidate. All who are found fully qualified will be admitted as cadets, regardless of the number, since the law does not impose a limitation as to the total number to be admitted from this source.

(i) *Qualified alternates and qualified candidates.* Section 2, act of Congress, approved June 3, 1942 (56 Stat. 306; 10 U.S.C. Sup., 1091d) provides: "When on the date of admission of a new class the total number of cadets is below the number authorized, the Secretary of the Army may bring the Corps of Cadets to full strength by appointing qualified alternates and candidates recommended by the academic board, two-thirds thereof from qualified alternates and one-third thereof from qualified candidates (competitors) *Provided, That* any appointment made under this section shall be an additional appointment and shall not constitute an appointment otherwise authorized by law. The only candidates who are eligible for consideration are those who have been found mentally and physically qualified in connection with an appointment held for admission the first weekday of July of the year concerned. No application is necessary for consideration by the academic board since all candidates who are fully qualified but who are not entitled to admission under the terms of their appointments are rated relatively according to general merit. The academic board in determining the general merit studies the records of these candidates and makes its selection based upon consideration of the academic grades and other pertinent factors which affect the qualifications of the various candidates to become officers of the Army. Since, under the law, the vacancies in the Corps of Cadets cannot be determined until the date of admission, notices to candidates selected are sent on or shortly after that date authorizing them to report for admission as cadets on July 15."

§ 575.6 Educational qualifications.

(a) Methods of meeting the educational requirements for admission:

(1) By successfully passing the regular examination (see § 575.8) or

(2) By submitting a satisfactory educational certificate (secondary school) and passing the validating examination (see § 575.9) or

(3) By submitting an educational certificate which does not require the validating examination (see § 575.10).

(b) In addition, there are two basic educational requirements which all can-

didates for admission to the United States Military Academy must meet:

(1) All candidates must take the West Point Aptitude Test. This is a 1-hour test requiring no special preparation and consisting of an elementary mathematics section and a language section.

(2) All candidates must qualify in United States history, either by presenting evidence that they have satisfactorily completed a standard course in United States history or its equivalent (1 year in secondary school or 1 semester in college) or by passing the special examination in United States history.

§ 575.7 *Entrance examinations*—(a) *Time.* The regular Military Academy entrance examination and the examination for validating certain classes of certificates are held beginning on the first Tuesday in March each year. Each candidate designated to take one of these examinations will receive from the Department of the Army a letter of appointment. He must appear for examination at the time and place designated therein before a board of Army officers convened by the Department of the Army. Enlisted men appointed from the Army also receive authority from the Department of the Army to report for examination, and must report at the time and place specified. No other regular mental examination is held during the year. The failure of candidates holding noncompetitive appointments to appear for examination unless prevented by sickness or other unavoidable cause shall vacate the appointment; the failure of candidates holding competitive appointments to report for examination for any cause shall vacate the appointment.

(1) A second validating examination and West Point Aptitude Test is held on the third Tuesday in June at West Point, N. Y., but is offered only for emergency vacancies which remain unfilled or occur after the March examination. Candidates appointed to fill such emergency vacancies must qualify by certificate or by certificate supplemented by the validating examination mentioned above.

(b) *Place.* Boards of officers are convened at certain designated places, listed below, for the purpose of conducting the regular entrance examinations. The place of examination selected by the Department of the Army for each candidate is the one nearest or most convenient to his home or to the school at which he is in regular attendance:

Army and Navy General Hospital, Hot Springs, National Park, Ark.
Army Medical Center, Washington, D. C.
Army Base, Boston, Mass.
William Beaumont General Hospital, El Paso, Tex.
Fort Benning, Ga.
Fort Bragg, N. C.
Fitzsimons General Hospital, Denver, Colo.
Fort Leavenworth, Kans.
Keesler Field, Biloxi, Miss.
Letterman General Hospital, Presidio of San Francisco, Calif.
Fort Lewis, Wash.
March Field, Calif.
Fort McPherson, Ga.
Governors Island, N. Y.
Fort Sheridan, Ill.
Fort Sill, Okla.
Fort Sam Houston, Tex.
Fort Knox, Ky.

Schofield Barracks, T. H.
San Juan, P. R.
Corozal, C. Z.
Fort Richardson, Alaska.

(c) *Examination schedule*—(1) *First day*—(i) *Morning.* All candidates. Report and instructions, 9 a. m. to 11 a. m., 2 hours. West Point Aptitude Test, 11 a. m. to 12 noon, 1 hour.

(ii) *Afternoon.* Only those candidates whose credit in United States history has not been accepted. Special examination in United States history, 2 p. m. to 5 p. m., 3 hours.

(2) *Second day*—(i) *Morning.* Regular examination in mathematics, 9 a. m. to 12 noon, 3 hours. Validating examination in mathematics, 9 a. m. to 10:30 a. m., 1½ hours.

(ii) *Afternoon.* Regular examination in English, 2 p. m. to 5 p. m., 3 hours. Validating examination in English, 2 p. m. to 3:30 p. m., 1½ hours.

(3) *Third day.* Physical examination and physical aptitude test until completed.

§ 575.8 *Admission by regular mental examination*—(a) *General.* All candidates who cannot qualify under §§ 575.9 or 575.10, must take the regular mental examination in mathematics and English. As stated in § 575.6 (b) (2) all candidates must also qualify in United States history.

(1) Candidates holding appointments from competitive sources (see § 575.5 (e) (f) and (g)) cannot qualify under §§ 575.9 or 575.10, since they are appointed to vacancies in the order of merit competitively established as a result of the regular mental entrance examination in mathematics and English (the examination in United States history is not a part of the competition)

(b) *Mathematics.* Candidates will be required to pass a satisfactory examination in those topics of algebra and plane geometry listed in § 575.12 (b) and (d) (Mathematics A and C)

(c) *English.* Candidates will be required to pass a satisfactory examination in English grammar, composition, and literature as described in § 575.12 (g) and (h) (English A and B)

§ 575.9 *Admission by certificate and validating examinations.* The Academic Board will consider and may accept in lieu of the regular mental examination a certificate (see § 575.11) with validating examination in mathematics and English in the following cases. (For alternate method of validating secondary school certificates, see § 575.10 (a) (2)) As stated in § 575.6 (b) (2) all candidates must also qualify in United States history.)

(a) A properly attested certificate (Form II³) that the candidate has graduated from a preparatory school or public high school accredited by the United States Military Academy. *Provided*, That in his school work he has shown proficiency in subjects amounting to not less than 15 units of the list given in § 575.11. Of the 15 units, 2 must be in algebra, 1 in plane geometry, 1½ in

English grammar and composition, 1½ in English literature, and 1 in United States history. (Lack of this credit does not cause rejection of the certificate but adds the requirement that the special examination in United States history be taken and passed.) The remaining 8 units must be chosen from the list of optional subjects, and must not include commercial or other subjects not listed.

(b) A properly attested certificate (Form II) that the candidate is in actual attendance in his senior year at a preparatory school or public high school accredited by the United States Military Academy, and has satisfactorily completed 3½ years' work at such school: *Provided*, That the certificate shows specifically by subjects and units the work already completed and also that to be completed by graduation: *And provided*, That the course the candidate is pursuing will, when completed, show proficiency in subjects amounting to not less than 15 units prescribed in paragraph (a) of this section. A candidate submitting a certificate showing actual attendance at and prospective graduation from a preparatory or public high school must as a condition of admission continue his course of study and submit his diploma or other formal evidence of graduation at the time of entrance to the United States Military Academy. Failure to submit such evidence of graduation will disqualify the candidate for entrance.

(c) The validating examination, required with all secondary school certificates (Form II) except those accepted under § 575.10 (a) (2) includes the subjects of mathematics (A and C) and English (A and B). This validating examination is not identical with the regular mental entrance examination. It will be of such a nature as to determine the knowledge of a candidate, but not so difficult as to require for the desirable student an intensive special preparation.

(d) A candidate whose certificate (Form II) has been rejected must take the regular mental entrance examination.

§ 575.10 *Admission by certificate.* (a) The Academic Board will consider and may accept without other mental requirement, except that of § 575.6 (b) (West Point Aptitude Test and United States history requirement)

(1) A properly attested college certificate (Form I⁴) that the candidate is, or was upon leaving, a regularly enrolled student in good standing without condition in a university, college, or technical school accredited for admission to the United States Military Academy. *Provided*, That he entered college with the secondary school credits prescribed in § 575.9: *And provided further*, That he has completed successfully at least one semester in college. If he lacks not more than 2 units of the prescribed secondary school credits, required or optional, he may make up this deficiency in college at the rate of one semester of college work to 1 year of secondary school study.

(i) A full record of academic work at college, giving subjects taken and grades attained in each, should be presented on Form I, which must be submitted in all cases where college work covers one semester or more.

³ Not filed with the Division of the Federal Register.

(3) The Form I certificate must be accompanied by a Form II certificate covering work in secondary school, and the two certificates will be considered together in determining the candidate's mental qualifications.

(2) A secondary school certificate (Form II) as described in § 575.9, supplemented by a report from the College Entrance Examination Board that the candidate has taken its Scholastic Aptitude Test provided the grades earned on this test are satisfactory. A candidate may no longer elect to qualify mentally by passing that Board's Scholastic Aptitude Test in lieu of the validating examination unless the Scholastic Aptitude Test has been taken prior to the scheduled entrance examination (March or June), for which he has been designated. In cases where this test is taken on or after December 6, 1947, it must include either the Intermediate Mathematics Test or the Comprehensive Mathematics Test in place of the formerly prescribed Mathematical Section.

(b) A candidate whose certificate has been rejected under paragraph (a) of this section, will be required to take the regular entrance examination except in cases where the Academic Board approved his credits under § 575.9, for admission subject to the validating examination.

(1) The Academic Board may reject any certificate (Form I and II) for low grades, or upon any evidence, whether contained in the certificate or not, that creates a reasonable doubt as to the candidate's mental qualifications for admission. A record in the entrance examination of a former year is considered excellent evidence of mental qualifications for admission and is given great weight when certificates are being evaluated. Taking the examination, when unprepared, merely for practice and failing on the same may, therefore, have an adverse effect if entrance by certificate is sought in a later year.

(2) A candidate whose certificate has been accepted under this section is excused from the mental examination but must appear for the physical examination and for the West Point Aptitude Test. He is rejected as mentally unqualified if he fails to pass this aptitude test.

§ 575.11 *Subjects and credits.* The list of subjects and corresponding weights in units is as follows:

(a) *Required.* Every certificate must show evidence of proficiency in these subjects:

	Units
Mathematics, A.....	2
Mathematics, C.....	1
History, D, United States history.....	1
English, A.....	1½
English, B.....	1½

(b) *Optional.* The remaining 8 units may be supplied from among the following subjects and no others:

	Units
Mathematics, B.....	½
Mathematics, D.....	½
Mathematics, E.....	½
English, fourth year.....	1
History, A, ancient history.....	1
History, B, European history.....	1
History, C, English history.....	1
History, world history.....	1
Economics.....	1

	Units
Sociology.....	1
Social democracy.....	1
Problems of American democracy.....	1
Contemporary problems.....	1
Citizenship.....	½
Government.....	½
Civics (when not included in history D).....	½
Latin, first year.....	1
Latin, second year.....	1
Latin, third year.....	1
Latin, fourth year.....	1
Greek, grammar and composition.....	1
Any foreign language, first year.....	1
Any foreign language, second year.....	1
Any foreign language, third year.....	1
Any foreign language, fourth year.....	1
Physics.....	1
Chemistry.....	1
General science.....	1
Biology.....	1
Botany.....	1
Zoology.....	1
Geography.....	1
Drawing, mechanical or freehand.....	1
Bookkeeping.....	1
Physiology.....	1
Psychology.....	1
Astronomy.....	½
Geology.....	½

§ 575.12 *Definitions and detailed requirements.*—(a) *The unit.* A unit represents a year's study in any subject in a secondary school, constituting approximately a quarter of a full year's work. A 4-year secondary school curriculum should be regarded as representing not more than 16 units of work. This statement is designed to afford a standard of measurement for the work done in secondary schools. It takes the 4-year high-school course as a basis, and assumes that the length of the school year is from 36 to 40 weeks, that a period is from 40 to 60 minutes in length, and that the study is pursued for 4 or 5 periods a week; but under ordinary circumstances a satisfactory year's work in any subject cannot be accomplished in less than 120 60-minute hours or their equivalent.

(b) *Mathematics, A, algebra, two units.*
(1) The meaning, use, evaluation, and necessary transformations of simple formulas involving ideas with which the pupil is familiar, and the derivation of such formulas from rules expressed in words.

(2) The graph and graphical representation in general. The construction and interpretation of graphs.

(3) Negative numbers; their meaning and use.

(4) Linear equations in one unknown quantity, and simultaneous linear equations involving two unknown quantities, with verification of results.

(5) Problems.

(i) Ratio, as a case of simple fractions; proportion, as a case of an equation between two ratios; variation.

(ii) The essential of algebraic technique.

(iii) Exponents and radicals; simple cases.

(iv) Numerical trigonometry.

(v) Numerical and literal quadratic equations in one unknown quantity.

(vi) The binomial theorem for positive integral exponents with applications.

(vii) Arithmetic and geometric series.

(viii) Simultaneous linear equations in three unknown quantities.

(ix) Simultaneous equations, consisting of one quadratic and one linear equation, or of two quadratic equations of certain types. Graphs.

(x) Exponents and radicals. Logarithms.

(c) *Mathematics, B, advanced algebra, one-half unit.* (1) Theory of equations.

(2) Determinants.

(3) Complex numbers (numerical and geometric treatment) simultaneous quadratics, scales of notation, mathematical induction, permutations and combinations, and probability.

(d) *Mathematics, C, plane geometry, one unit.* (1) The usual theorems and constructions presented in good textbooks, including the general properties of plane rectilinear figures; the circle and measurement of angles; similar polygons; areas; regular polygons and measurement of the circle.

(2) The solution of numerous original exercises, including loci problems.

(3) Applications to the mensuration of lines and plane surfaces.

(e) *Mathematics, D, solid geometry, one-half unit.* (1) The usual theorems and constructions presented in good textbooks, including the relations of planes and lines in space; the properties and measurement of prisms, pyramids, cylinders, and cones; the sphere and the spherical triangle.

(2) The solution of numerous original exercises, including loci problems.

(3) Applications to the mensuration of surfaces and solids.

(f) *Mathematics, E, trigonometry, one-half unit.* (1) Definition of the six trigonometric functions of angles of any magnitude, as ratios. The computation of five of these ratios from any given one. Functions of 0, 30, 45, 60, and 90, and of angles differing from these by multiples of 90.

(2) Determination, by means of a diagram, of such functions as sin (A-90) in terms of the trigonometric functions of A.

(3) Circular measure of angles; length of an arc in terms of the central angle in radians.

(4) Proofs of the fundamental formulas, and of simple identities derived from them.

(5) Solution of simple trigonometric equations.

(6) Theory and use of logarithms, without the introduction of work involving infinite series. Use of trigonometric tables, with interpolation.

(7) Derivation of the Law of Sine and the Law of Cosines.

(8) Solution of the right and oblique triangles (both with and without logarithms) with special reference to the applications.

(g) *English, A, grammar and composition, one and one-half units.* (1) The principles of English grammar.

(2) The rules of English composition.

(3) Proficiency in spelling, punctuation, grammar, and composition acquired by repeated oral and written exercises.

(h) *English, B, literature, one and one-half units.* (1) The study of selected masterpieces in English and American literature.

(2) Familiarity with the nature and characteristics of the different literary forms, such as the essay, the novel, and biography in prose, the lyric and the epic

in poetry, and the comedy and the tragedy in drama.

(3) Knowledge of the history and development of English and American literature, including acquaintance with the chief periods, as the Elizabethan, the Puritan, the Restoration, and the Victorian, with the leading writers of such periods, and with the most important works of each writer.

(l) *History, A, ancient, one unit.* History down to the death of Charlemagne (814 A. D.) with special reference to Greek and Roman history, and with a short introductory study of the more ancient nations.

(j) *History, B, European, one unit.* History from the fall of Rome to the present time.

(k) *History, C, English, one unit.* History of England, emphasizing the important epochs and the greater movements and showing the relations of English history to the history of other countries, especially the United States.

(l) *History, D, American, with or without civil government, one unit.* The history of the United States, and, if civil government is included, a study of the United States Constitution, of the Federal Government, with its powers, organization, and operation, and of the relations between the Federal and State Governments.

(m) *History, world, one unit.* A general survey.

§ 575.13 *General information as to certificates.* (a) All necessary papers, including a set of blank certificate forms, are furnished by The Adjutant General, Washington 25, D. C., to each duly nominated candidate with his letter of appointment. All candidates, of every category, should submit their complete educational records on these forms, whether or not they wish to claim exemption from any examination. Candidates whose schooling has been so irregular or incomplete that the forms do not properly describe it should submit statements of their scholastic work, certified by their teachers or tutors, in as much detail as possible.

(b) Certificates should be submitted not later than February 15. A certificate received between February 15 and the examination will receive consideration; but, in view of the short time left to the Academic Board to investigate its value, no assurance will be given that such certificate can be acted on in time to exempt the candidate from the regular mental examination. Certificates received at West Point too late for full investigation and appraisal before 9 a. m. on the first Tuesday in March of each year will be filed without action thereon. Candidates will be notified of the time and date of the receipt of such certificates.

(c) Candidates who submit certificates on a date which does not allow the Academic Board sufficient time to investigate their value and notify them regarding the final action thereon prior to the day set for the examination should proceed with the regular examination.

(d) Candidates who are informed that their certificates have been accepted, must present themselves at the regular time and place, as herein prescribed, for

physical examination and the tests prescribed in § 575.6 (b) and, if required, for the validating examination.

(e) A candidate submitting a secondary school certificate who has taken the College Entrance Examination Board's Scholastic Aptitude Test should have his record in this test forwarded to the Superintendent, United States Military Academy, West Point, N. Y., at the same time as his school certificate. He should state on the latter that this is being done.

(f) A candidate whose certificate qualifications have been approved, provided he completes his regular high-school or preparatory-school course with good grades and graduates, must bring with him, and present on the day he reports for admission his diploma or certificate of graduation, together with a certified statement of the grades attained in his academic work, in order that the Academic Board of the Military Academy may determine whether or not these provisions have been fulfilled.

(g) A candidate who has once satisfactorily fulfilled all the mental requirements for entrance will be regarded as mentally qualified at any subsequent opportunity which may arise for entrance with the same class.

(h) In case a candidate who has submitted a satisfactory certificate for the March examination is not admitted as a result of that examination but received another appointment prior to the June examination, (1) if he did not take the March examination, his certificate will be considered satisfactory for the June examination; (2) if he failed in the March examination, his certificate will be reconsidered in connection with the results of that examination.

(i) Any certificate accepted for entrance with one class is not valid for entrance with a succeeding class unless reapproved. It must be resubmitted, accompanied by a full statement of the candidate's educational work in the interim, and both certificate and statement will be subject to careful scrutiny by the academic board.

(j) A candidate, not an ex-cadet, who has once been declared mentally qualified for entrance upon written examination, either regular or validating, need not undergo a second mental examination in case of any subsequent appointment unless the requirements for entrance have been changed in the meanwhile. A candidate reported not qualified mentally in one or more subjects on one examination will be required to qualify in all subjects at any subsequent examination.

§ 575.14 *Physical (Medical) examination*—(a) *Preliminary.* (1) Each candidate designated as principal or alternate for appointment as a cadet of the Military Academy should ascertain as soon as practicable whether or not he has any physical defect that would disqualify him for admission or any that should be corrected by treatment before presenting himself for examination.

(2) A preliminary physical examination will be authorized by the Department of the Army only upon specific request. Any candidate who holds a letter of appointment issued by the Department of

the Army may apply to the office of The Adjutant General, Department of the Army, Washington 25, D. C., for permission to undergo a preliminary examination, and the necessary instructions setting forth the place of examination will be issued. A prospective candidate will also be authorized to undergo a preliminary physical examination upon receipt in the Department of the Army of a request from the Member of Congress who is considering him for nomination with a view to appointment as a candidate. The Member of Congress or the prospective candidate will be informed by the Department of the Army of the result.

(3) It should be clearly understood by the candidate that this examination is a preliminary one only and in no way commits or obligates the Department of the Army to accept a candidate who is found by the regular medical examining board to have a physical defect which is considered to be disqualifying.

(b) *Regular.* The physical examination of a candidate begins after the conclusion of his last mental examination, and is continued daily until completed, but those candidates who upon reporting at the place of examination present evidence (the evidence must be in the form of an official communication from the Department of the Army and must specify exemption from the mental examination of the current year) that they have been excused from the mental examination under the provisions of the certificate privilege, or as the result of having qualified mentally at a previous examination, are usually examined physically as soon as possible after reporting and are not required to wait until the schedule of mental examinations has been completed.

(c) *Physical requirements*—(1) *Hearing.* Auditory acuity of all candidates will be determined by the whispered voice, and by the audiometer using the following frequencies: 256, 512, 1024, 2048, 4096, and 8192. At the time of examination the candidate should be free of upper respiratory infection. Hearing when tested by the whispered voice must be 15/15 in each ear and loss of hearing as determined by the audiometer must not be greater than fifteen (15) decibels in any of the frequencies 512, 1024, 2048 nor greater than thirty (30) decibels in either of the frequencies 4096 or 8192. The following-named conditions are causes for rejection. The total loss of an ear, marked hypertrophy or atrophy, or disfiguring deformity of the organ; atresia of the external auditory canal, or tumors of this part; acute or chronic suppurative otitis media, or chronic catarrhal otitis media, mastoiditis, acute or chronic; existing perforation of the membrana tympani from any cause whatever.

(2) *Vision.* Vision as determined by the visual test types (without a cycloplegic) must not fall below 20/30 in either eye without glasses, correctible with glasses to 20/20 in each eye, when no organic disease in either eye exists. Both eyes must be free from acute or chronic disease. Errors of refraction, if considered excessive, may be a cause for rejection even though the visual acuity

falls within acceptable limits. Total hyperopia of more than two diopters or total myopia of more than three quarters (0.75) diopter in any meridian in either eye is cause for rejection. The following-named conditions are also cause for rejection: Manifest disturbance of muscle balance; esophoria of more than 10 prism diopters, exophoria of more than 5 prism diopters, or hyperphoria of more than 1 prism diopter; impairment of the sense of color perception in a pronounced degree; trachoma, or xerophthalmia; chronic conjunctivitis; pterygium encroaching upon the cornea; complete or extensive destruction of the eyelids; disfiguring cicatrices, adhesions of the lids to each other or to the eyeball; inversion or eversion of the eyelids; or lagophthalmus; trichiasis, ptosis, blepharospasm, or chronic blepharitis; epiphora, chronic dacryocystitis, or lachrymal fistula; chronic keratitis, ulcers of the cornea, staphyloma, or corneal opacities encroaching on the pupillary area and reducing the acuity of vision below the standard noted above; irregularities in the form of the iris, or anterior or posterior synechiae sufficient to reduce the visual acuity below the standard; opacities of the lens or its capsule, sufficient to reduce the acuity of vision below the standard, or progressive cataract of any degree; extensive coloboma of the choroid or iris, absence of pigment, glaucoma, iritis, or extensive or progressive choroiditis, retinitis, detachment of the retina, neuroretinitis, optic neuritis or atrophy of the optic nerve; loss or disorganization of either eye, or pronounced exophthalmus, true nystagmus; or permanent or well-marked strabismus; diplopia, or night blindness; abnormal conditions of the eyes due to disease of the brain; malignant tumors of lids or eyeballs; asthenopia accompanying any ocular defect.

(3) **Teeth.** No candidate will be accepted unless he has a minimum of 6 serviceable vital masticating teeth (bicuspid and molars) above and 6 below serviceably opposing and also 4 serviceable vital incisor teeth (incisors and cuspids) above and 4 below serviceably opposing. Therefore, the minimum requirement consists of a total of 12 masticating teeth and 8 incisor teeth, all of which must be so opposed as to serve the purpose of incision and mastication. In cases in which insufficiency of teeth may be remedied by the eruption of third molars, if an X-ray of the third molar region determined a normal third molar properly positioned and developed, it may be assumed that it will have a normal eruption, and the candidate may be credited with possession of this tooth.

(i) Vital teeth properly filled with permanent filling material, or well crowned, will be considered serviceable if otherwise acceptable. A one- or two-tooth replacement by a standard method of fixed bridgework will be accepted in lieu of a serviceable vital tooth when the abutment teeth are otherwise acceptable and the bridge well constructed.

(ii) A tooth will not be considered serviceable if it is a deciduous tooth, or if it fails to enter into serviceable occlusion with an opposing tooth, if it has an

unfilled cavity, if it supports a defective filling or crown, if it is nonvital, or if there is destruction of the supporting tissues of the tooth, such as results from chronic gingivitis, pyorrhea, etc.

(iii) Causes for rejection are: Failure to meet the standard of minimum requirements outlined in subdivisions (i) and (ii) of this subparagraph; the loss of three adjoining masticating teeth in either side of the upper or lower jaw; disfiguring spaces between anterior teeth, such as result from the extraction of a tooth; marked irregularity of the teeth; and marked malocclusion. No candidate will be accepted until all cavities in the teeth have been filled with proper permanent fillings.

(d) **Physical proportions for height, weight, and chest measurements for all candidates except Filipinos.** The requirements of the following tables of physical proportions are for growing youths and are for guidance in connection with the other data of the examination, a consideration of all of which will determine the candidate's physical eligibility. Mere fulfillment of the requirements of the standard tables does not determine eligibility.

Height (inches)	Weight		Minimum chest measurement at expiration
	Minimum	Maximum	
63.....	Pounds 129	Pounds 159	Inches 31.50
64.....	121	175	32.50
65.....	123	189	31.00
66.....	132	185	31.50
67.....	129	190	32.00
68.....	140	185	32.00
69.....	144	201	32.50
70.....	145	203	32.50
71.....	152	214	33.00
72.....	159	229	33.00
73.....	160	233	33.50

NOTE: Fractions of an inch will be rounded to the quarter of an inch, but candidates must be at least 63 inches in height. No candidate will be accepted who is more than 76 inches in height. Height to be taken without shoes and weight without clothing. Medical examiners will recommend rejection of individuals who show poor physical development and those who appear to be undesirable candidates because of excess fat, even though their measurements may

come within the figures stated in the above table. In such instances, they report will show in detail the findings upon which recommendation for rejection is based.

Recommendations for waiver of excess weight will be made in cases in which the general appearance and conformation of the candidate and the rest of the examination clearly indicate that he is of the robust type and that there is no tendency to obesity, cardiac imbalance, cardiovascular disease, or other defect which is likely to shorten the period of useful active service normally expected of an Army officer. (See par. 12 (i) (c), AR 43-100.)

(e) **Minimum standards for Filipino applicants.**

Height (inches)	Weight	Chest measurement at expiration
	Pounds	Inches
63.....	120	29½
64.....	111	29½
65.....	122	29
66.....	113	29½
67.....	115	29½
68.....	137	29½
69.....	117	30
70.....	113	30½
71.....	119	30½
72.....	124	30½
73.....	127	31
74.....	129	31½

§ 575.143 **Physical aptitude examination.** (a) All candidates must qualify in a Physical Aptitude Examination. This is a 1 hour examination measuring neuromuscular coordination, muscular power, muscular endurance, speed, cardiovascular endurance, and flexibility. The tests will typify the abilities of running, jumping, throwing, climbing, dodging, lifting, pushing, pulling, etc. Each candidate is required to take rubber-soled athletic shoes, socks, undershirt, and long trousers (athletic supporter—optional) with him when he reports for the examinations.

(b) It is recommended that candidates prepare for this examination by engaging in all round vigorous activities such as running, conditioning exercises, competitive games, etc., rather than practicing on specific test items. A candidate may consider himself prepared to meet the minimum standards of physical aptitude if he can achieve performances on physical tests in general not lower than those here listed:

- (1) Vertical jump..... 17 inches.
The difference between the height an individual can reach and the height he can jump and reach.
- (2) Standing broad jump for distance..... 6 feet 9 inches.
- (3) 3 broad jumps for distance..... 29½ feet.
Standing start with 3 continuous broad jumps.
- (4) Pull-ups..... 3 times.
Chinning oneself on a horizontal bar, grasping bar with back of hand toward face.
- (5) Dips..... 3 times.
Raising and lowering oneself on parallel bars by means of the arms. The body is lowered until upper arm passes the horizontal.
- (6) Push-ups..... 16 times.
Standard push-ups starting from the leaning rest position.
- (7) Dodge run..... 27 seconds.
A run through a maze placed on a gymnasium floor. This test is described in the book entitled "Achievement Scales in Physical Education Activities for College Men" by F. W. Cozens, Lea & Febinger Publishing Co.
- (8) 300-yard run (indoor track—11 laps to the mile)..... 49.7 seconds.
- (9) 300-yard run..... 65 seconds.
This test is a shuttle run on a gymnasium floor between two turning blocks placed 25 yards apart.
- (10) 100-yard run..... 18.9 seconds.
This test is a shuttle run on a gymnasium floor between two turning blocks placed 25 yards apart.
- (11) 50-yard run..... 8.7 seconds.
This test is a shuttle run as described under the above 100-yard run.

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|--|------------------|
| (12) Bar vault for height..... | 4 feet 6 inches. |
| From a standing position vault over a horizontal bar by touching it with only the hands using either flank or front vault. | |
| (13) Burpee test for 20 seconds..... | 10½ times. |
| Continuous movements from the standing position to the squat, to the leaning, rest, to the squat and back to the standing position. | |
| (14) Squat jumps (total number possible)..... | 28 times. |
| From the squatting position on the right heel with fingers laced on top of head palms downward, and with left foot slightly advanced, spring upward until both knees are straight and both feet clear the floor. While the feet are off the floor advance the right foot and drop to a squat on the left heel. Spring up again and repeat as many times as possible. | |
| (15) Sit-ups..... | 30 times. |
| The total number of sit-up movements that can be performed with a partner holding the feet. | |
| (16) Sit-ups for speed..... | 20 times. |
| The number of sit-up movements that can be performed in 30 seconds while lying on a gymnasium mat with toes hooked under a bar. | |
| (17) Softball throw for distance using a regulation softball (12-inch circumference)..... | 140 feet. |
| (18) Basketball throw for distance using a regulation basketball..... | 65 feet. |
| (19) Medicine ball put..... | 33 feet. |
| A 6-pound medicine ball is put using the same movement as required for a shot put. | |
| (20) Hop, step, and jump..... | 20 feet. |
| From a standing position take a hop, a step, and a jump to gain as great a distance as possible. | |
| (21) 100-yard pick-a-back carry..... | 27.0 seconds. |
| Carrying a partner astride his back one runs 100 yards by shuttling back and forth around stakes placed 25 yards apart. The partner must be within 10 pounds of one's own weight. | |
| (22) Rope climb (7 seconds)..... | 10½ feet. |
| Climb a regulation gymnasium rope as high as possible in 7 seconds, using hands and feet or hands alone, starting from a standing position. | |

(c) The examination items will be selected from the list in paragraph (b) of this section and candidates may consider themselves qualified to meet the minimum standard of the Physical Aptitude Examination if they can achieve the performances indicated in paragraph (b) of this section. The examination will be graded on the basis of the total score. In other words, failure to achieve a passing score on a single test will not cause failure if a passing grade is achieved on the whole examination. A candidate once found qualified in the physical aptitude examination will not be required to undergo the examination again in connection with any subsequent appointment.

§ 575.15 *Physical conditioning.* (a) A warning is here stressed that passing the Physical (Medical) examination and the Physical Aptitude Examination does not mean that a candidate is sufficiently fit physically or conditioned for the duties he will undergo immediately upon entrance to the Military Academy. Passing these examinations simply means that the candidate has a normal body and has no apparent serious medical defects. It does not insure proper physical fitness to undergo the initial training at the United States Military Academy without considerable difficulty. Because of the nature of the new cadets' training during their first 2 months at the Academy the physical demands are necessarily great. Experience has indicated that those cadets who, prior to admission, have hardened themselves physically, are best able to meet these requirements. The cooperation of parents is enjoined to encourage new cadet candidates to participate in some form of physical exercise prior to their arrival at the Academy.

(b) Much valuable time has been lost from instruction because of poor physical condition, sore feet, muscular soreness, strained arches, and many other physical impairments due to unaccustomed physical exertion. This loss can be avoided if all new cadet candidates begin to condition themselves immediately upon notification of appointment. The conditioning program may include daily exposure to sunlight, running, taking long hikes, swimming, and other types of exercise.

§ 575.16 *Deposit upon entrance.* (a) The cost of the uniform and personal equipment with which the new cadet is provided immediately after admission is approximately \$300. This sum must be deposited with the treasurer of the Academy before the cadet is admitted. Parents of candidates are advised to forward the required deposit by draft, payable to the Treasurer, United States Military Academy, who will credit it to the new cadet's account. Cadets who exercise proper economy will have upon graduation a sufficient balance to their credit with the treasurer to purchase the initial supply of uniforms and equipment which they will need as officers.

(b) Candidates are advised, on leaving home for admission, to take with them no more money than is needed for traveling expenses. Any balance in their possession at the time of admission is deposited to their credit with the treasurer. Except for members of the armed forces, who are provided transportation or are allowed mileage as provided in Army Regulations, cadets are allowed 5 cents per mile for traveling expenses from their homes to the Military Academy. Such mileage is credited to the cadet's account after his admission unless he makes a specific written request

to the Commandant of Cadets that the mileage allowance be sent to his parents.

§ 575.17 *Degree.* The degree of bachelor of science is conferred at the time of graduation under the provisions of an act of Congress approved May 25, 1933, as amended by the act of Congress approved July 8, 1937 (48 Stat. 73, 50 Stat. 477; 10 U. S. C. 486a), which provides: "That the superintendents of the United States Naval Academy, the United States Military Academy, and the United States Coast Guard Academy may, under such rules and regulations as the Secretary of the Navy, the Secretary of the Army, and the Secretary of the Treasury may prescribe, confer the degree of bachelor of science upon all graduates of their respective academies, from and after the date of the accrediting of said academies by the Association of American Universities: *Provided*, That on and after the date of the accrediting of the said academies by the Association of American Universities the superintendents of the respective academies may, under such rules and regulations as the respective secretaries may make, confer the degree of bachelor of science upon such other living graduates of the said academies as shall have met the requirements of the respective academies for such degree." The United States Military Academy was accredited by the Association of American Universities on October 31, 1925.

§ 575.18 *Promotion after graduation*—(a) *Appointment of officers.* When any cadet of the United States Military Academy (other than foreign cadets) has completed the prescribed course of instruction, he may upon graduation be promoted and appointed a second lieutenant in the Regular Army or United States Air Force, and whenever any such appointment would result in there being a number of active list commissioned officers in the Regular Army or in the United States Air Force in excess of the authorized active list commissioned officer strength, such strength shall be temporarily increased as necessary to authorize such appointment (Sec. 506 (f), Pub. Law 381, 80th Cong.)

(b) *Revocation of commission.* Under the provisions of the act of Congress approved 25 July 1939 (53 Stat. 1074; 10 U. S. C. 484a) authorizing revocation by the Secretary of the Army of the commission of an officer on the active list, initially commissioned after 25 July 1939, who has had less than 3 years of continuous service as a commissioned officer of the Army at the date of revocation, it is prescribed that:

a. In the case of officers serving under revocable commissions * * * the Secretary of War may revoke the commission of any officer whose conduct or performance of duty is such as not to justify his retention as an officer of the Army, or whose retention as an officer of the Army is not justified for other good and sufficient reasons appearing to the satisfaction of the Secretary of War. The action of the Secretary of War is final and conclusive. * * * d. An officer whose commission is revoked under this authority will be entitled only to accrued pay and allowances upon discharge. * * * f. These regulations become effective as to all officers

originally commissioned in the Regular Army after July 25, 1939.

§ 575.19 Pay and allowances of cadets.

(a) The pay of the cadet is \$936 per annum plus the cost of one ration per day. The latter item varies with the cost of food. The total of such pay and allowances, when added to the new cadet's initial deposit, is sufficient to meet the cadet's actual needs at the Academy.

(b) Except for members of the armed forces who are provided Government transportation or allowed mileage in accordance with Army Regulations, mileage at 5 cents per mile, for traveling expenses from their homes is credited to the account of cadets after their admission to the Academy.

(c) Obtaining money from outside sources is regarded with disfavor, unless it be for purposes specifically authorized in the Budget of a Cadet's Pay or in Regulations, United States Cadet Corps.

§ 575.20 Uniforms and supplies. Cadets are required to wear the prescribed uniform. All articles of their uniform and equipment, including bedding, shoes, and underwear, are of a designated pattern, and are sold to cadets at West Point at regulated prices. It is not necessary for candidates to make special preparation for their stay at the academy, although there is no objection to their bringing with them such supplies of handkerchiefs and toilet accessories as they may have. Should a trunk be brought, it should be of the Army trunk locker type, 29¾ by 16 by 12 inches in size, and in good condition. If a candidate does not have such a trunk, he should wait until his arrival at the academy to procure one. Everything needed can be secured from the cadet store at West Point.

§ 575.21 Communications. Communications relating to matters connected with the Military Academy should be addressed to The Adjutant General, The Pentagon, Washington 25, D. C.

PART 576—CARE AND DISPOSITION OF THE PSYCHOTIC

Sec.
576.1 Transfer to care of nearest known relative.
576.2 Applicants for enlistment or selectees.

§ 576.1 *Transfer to care of nearest known relative.* (a) A psychotic person requiring institutional care will be transferred to the custody of the nearest known relative upon the relative's request: *Provided*, The patient is not considered actively suicidal or homicidal: *And provided*, The relative produces satisfactory evidence that proper care for the psychotic person concerned will be furnished. This evidence will consist of affidavits from the relative declaring that he or she is willing and has the necessary financial means to provide adequate care and treatment. For disposal of patient's effects and valuables see § 576.2 (c)

(b) Persons who are actively suicidal or homicidal will be disposed of only as follows:

(1) Those entitled to care and treatment by the Veterans' Administration will be:

(i) Disposed of as provided in Army Regulations, if such person or his relatives refuse care and treatment in a Veterans' Administration facility.

(ii) Delivered to an acceptable State, private, or other civilian hospital, upon written request of the nearest known relative and upon authorization from such civilian hospital in cases where the person or his relatives elect to provide civilian hospitalization in lieu of disposition as provided in subdivision (i) of this paragraph.

(2) Those not entitled to care and treatment by the Veterans' Administration will be:

(i) Disposed of as provided in Army Regulations.

(ii) Delivered to an acceptable private hospital, upon written request of the nearest known relative and upon authorization from such private hospital in cases where the person or his relatives elect to provide private hospitalization in lieu of disposition as above. (R. S. 161, 5 U. S. C. 22) [AR. 600-500, Feb. 4, 1946]

§ 576.2 *Applicants for enlistment or selectees.* Applicants for enlistment or selectees discovered to be psychotic after arrival at a military station, and before the completion of their enlistment or induction, will be disposed of as follows:

(a) Those whose release will be unattended by danger to themselves or others will be rejected and disposed of under the regulations governing the disposal of other rejected applicants or selectees.

(b) Those whose psychosis is of a type that would probably make their release dangerous to themselves or others will be delivered to relatives or to the civil authorities designated by law to apply for the commitment of psychotic or insane persons residing in the place where they applied for enlistment or at place of induction. The station commander will provide the necessary escort for such delivery, and issue the necessary travel orders, transportation, and subsistence (in kind or by commutation, as may be most suitable). If they refuse to accept the patient, report will be made to The Adjutant General.

(c) On the day of departure of the patient, his immediate commanding officer will make and sign an inventory, in triplicate, of the patient's effects, money, and valuables. Two copies of the inventory listing the patient's money and valuables, together with the money and valuables, will be turned over, or sent by registered mail to the manager or superintendent of the institution to which the patient is delivered, or to the relative or civilian agency assuming the custody of the patient, with a request that one copy of the inventory be receipted. In the case of a patient transferred to a Veterans' Administration hospital, any money of the patient on deposit in the patients' fund will be transmitted by check drawn by the custodian to the order of "Manager, Veterans' Administration Hospital, _____, a/c _____ (Address of facility)"

_____ The manager (Patient's name and serial No.)
_____ agent of the Veterans' Administration hos-

pital will acknowledge the receipt of such check by returning a field service receipt to the custodian. If to the knowledge of the immediate commanding officer of the patient a guardian of the patient has been legally appointed, then, in lieu of disposition as above, the patient's money and valuables will be turned over, or forwarded by registered mail to such guardian upon presentation of proper evidence of his or her authority. If such money and valuables are turned over to a guardian a receipt therefor will be obtained; if forwarded by registered mail, a receipt will be inclosed with instructions that it be signed and returned. The other effects of the patient, such as clothing, together with two copies of the inventory of these effects, will accompany the patient as baggage. One copy of the inventory will be receipted by the relative or civilian agency assuming custody of the patient or by a responsible person in the institution to which the patient is delivered and will be returned for file. Prior to the patient's departure, the commanding officer will advise the institution or relative of the fact, stating the time when the patient may be expected to arrive. (R. S. 161, 5 U. S. C. 22) [AR. 600-500, Feb. 4, 1946]

PART 577—MEDICAL AND DENTAL ATTENDANCE

MEDICAL ATTENDANCE

- Sec.
577.1 General.
577.2 For whom authorized.
577.3 Civilian medical attendance for military patients at public expense.
577.4 Treatment in hospitals of other Government services.
577.5 Physical examination of civilians by medical officer.
577.6 Civilian physicians practicing upon military reservations, posts, or camps.
577.7 Private practice by medical officers.
577.8 Issuance of narcotic prescriptions by medical officers to be filled at civilian pharmacies.
ARMY HOSPITAL REGULATIONS
577.15 Persons who may be admitted to Army hospitals.
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577.19 Civilian hospital employees.
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DENTAL ATTENDANCE

- 577.40 General.
577.41 For whom authorized.
577.42 Dental materials.
577.43 Civilian dental attendance.
577.44 Rendition and payment of accounts for services of civilian dentists.
577.45 Persons ordered on detached service.
577.46 Private practice by dental officers.

AUTHORITY: §§ 577.1 to 577.46 issued under R. S. 161; 5 U. S. C. 22.

DERIVATION: AR 49-595, Dec. 5, 1945; AR 49-599, Jan. 21, 1946; AR 49-609, Oct. 6, 1942; AR 49-510, Oct. 1, 1946.

MEDICAL ATTENDANCE

§ 577.1 *General*—(a) *Definition.* The term "medical attendance" as used in the regulations in this part embraces the treatment by a medical officer or contract surgeon in the Federal service, or by a civilian physician, of sick or injured

persons, and advice and physical examination connected therewith. The term includes furnishing of medicine, nursing, hospital care, and ambulance service. For dental treatment, see §§ 577.40-577.46.

(b) *Agencies for providing medical attendance in the Army.* (1) The principal agencies maintained for providing medical attendance in the Army are:

(i) *At permanent stations.*

Hospitals.	Dispensaries.
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(ii) *In the field.*

Aid stations.	Evacuation and surgical hospitals.
Collecting stations.	Dispensaries.
Clearing stations.	
Hospitals (fixed).	

(2) In general, patients proceed to these agencies for observation and treatment. Patients sick in quarters at a station or with a command which has a hospital or dispensary will, if their condition permits, report thereto for examination and treatment as required by the medical officer in attendance. Other patients sick in quarters will be visited by a medical officer as often as he may deem necessary.

(c) *Refusal of treatment.* For provisions relating to the refusal of treatment, see AR 600-10.¹

§ 577.2 *For whom authorized.* Under the conditions indicated herein the Army, usually through its own facilities, will provide medical attendance to the personnel enumerated in paragraphs (a) (b) and (c) of this section.

(a) *General.* Any person admitted to an Army hospital under the provisions of AR 40-590 or 40-600,² while undergoing treatment in such hospital.

(b) *Military.* (1) Officers, Army nurses, Women's Army Corps, other militarized female personnel of the Army, contract surgeons (full time) warrant officers, flight officers, cadets and enlisted men, while in active Federal service, and general prisoners and prisoners of war.

(2) Persons who are on the retired list of the Regular Army and who report in person at any Army dispensary or hospital, provided sufficient accommodations are available for their treatment. Medical officers and contract surgeons will not be required to leave their stations to attend those on the retired list.

(3) Members of the National Guard not in Federal service while in attendance at a Federal training camp, and under certain other conditions as prescribed under appropriate headings in National Guard Regulations.

(4) Members of the Officers' Reserve Corps and of the Enlisted Reserve Corps as provided in subparagraph (1) of this paragraph.

(c) *Civilian.* (1) Members of the Reserve Officers' Training Corps, as prescribed in AR 145-10 and §§ 562.1 to 562.34.

(2) Persons in military custody or confinement and applicants for enlistment while under observation.

(3) Whenever practicable, the wife, dependent children, and servants of persons enumerated in paragraph (b) (1) of this section; also other dependent members of the family when residing with such persons provided they are not legally dependent upon an individual not in the military service.

(4) Civilian employees of the Army (including civilian employees of exchanges) at stations or in the field, where other medical attendance cannot be procured.

(5) Civilian employees of the United States Government who receive personal injuries in the performance of official duty who may report for treatment at an Army dispensary or hospital upon request of the officer under whom they are employed, provided other Government hospitals for the treatment of such employees are not convenient of access.

§ 577.3 *Civilian medical attendance for military patients at public expense—*

(a) *General authorization.* Subject to the conditions and limitations specified herein, civilian medical attendance at public expense is authorized for personnel specified in paragraph (b) of this section, when the required attendance cannot be provided from available facilities of the Army or other Federal agency. *Provided,* That this will not apply to military personnel who obtained elective medical treatment in civilian hospitals or by civilian physicians.

(b) *For whom authorized.* Civilian medical attendance at public expense is authorized for the following personnel and none other:

(1) Officers, Army nurses, Women's Army Corps, other militarized female personnel of the Army, contract surgeons (full time) warrant officers, flight officers, cadets, enlisted men, when on a duty status or when absent on authorized leave, sick leave, furlough, or pass. Civilian medical attendance is not authorized for the personnel enumerated when absent without leave.

(2) Prisoners of war, persons undergoing internment, and other persons in military custody or confinement.

(3) An applicant for enlistment while under observation.

(4) Civilian seamen in the service of ships operated by the Department of the Army and Transportation Corps marine officer cadets, for a reasonable time and except for injuries or diseases resulting from their own misconduct. Traumatic injuries and occupational diseases incurred in the course of employment are covered by the United States Employees' Compensation Commission and are not included in this part.

(c) *Ordinary medical attendance.* (1) An individual for whom civilian medical attendance is authorized under paragraph (b) of this section, and who is serving without an immediate local commanding officer, may engage civilian medical attendance without reference to higher authority when the urgency of the situation does not permit obtaining prior approval by higher authority or when he or she is serving beyond the continental limits of the United States, and not under the jurisdiction of an Army area commander. Under all other circumstances

such an individual will obtain prior approval from higher authority (see subparagraph (3) of this paragraph). When, under the provisions of this subparagraph, civilian medical attendance is engaged without prior authority, the report required by paragraph (g) of this section will be made.

(2) A local commanding officer may engage or authorize necessary civilian medical attendance for himself or for any person under his jurisdiction under any one of the following conditions:

(i) When the cost will not exceed \$100, unless the individual for whom the medical attendance is required is serving beyond the continental limits of the United States and not under the jurisdiction of an Army area commander.

(ii) When the urgency of the situation does not permit obtaining prior approval by higher authority. See paragraph (g) of this section for report required.

(3) Where prior approval by higher authority is required for civilian medical attendance, the authority to grant such approval is vested in the Army area commander. See paragraph (f) of this section.

(d) *Specialist service.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, the engagement at public expense of a civilian specialist is subject to prior approval of the Army area commander.

(2) When it is impracticable to obtain prior approval of the Army area commander or when the services of a civilian specialist are immediately necessary to save life or prevent suffering or distress, such services may be authorized or engaged by the appropriate commanding officer, or by the individual concerned if there is no local commanding officer.

(e) *Consultation.* Accounts for consultation will not be allowed except in extraordinary cases.

(f) *Requests for authority to engage civilian medical attendance.* When medical attendance is required, requests for authority to engage such attendance will normally be made in writing, transmitted through channels, but in emergency may be transmitted by telegraph or radio direct to the approving authority. (See paragraphs (c) (3) and (d) of this section.) The request will include:

(1) *For ordinary medical attendance.*

(i) Character and extent of disability.

(ii) Statement whether disability is or is not chronic.

(iii) Place of duty and duties upon which the individual is engaged.

(iv) Status; duty, furlough, leave, or pass. If not on duty, the exact period of furlough, leave, or pass.

(2) *For specialist service.* (i) Diagnosis in the case.

(ii) Professional procedure considered necessary and estimate of time required for treatment.

(iii) Statement of condition of patient and the practicability of his transfer to an Army or other Federal hospital for the necessary treatment.

(iv) Place of duty and duties upon which the individual is engaged.

(v) Status; duty, furlough, leave, or pass. If not on duty, the exact period of furlough, leave, or pass.

¹ Administrative regulations of the Department of the Army.

² Administrative regulations of the Department of the Army relative to hospitals.

(vi) Estimate of the cost.

(g) *Allowances*—(1) *Compensation allowed to civilian physician.* (i) Ordinary medical attendance on public account at garrisoned stations or camps will not exceed the following rates, and if the local charge per visit is less than these rates the account will be rendered at the local rates: For attending station or sick call, five patients or fewer, \$4; for each patient in excess of five, 50 cents; for each additional visit to station or sick call when necessary on the same day, \$4.

(ii) Where there is a large sick report and the service may be required for an extended period, and the aggregate charge for a month is likely to exceed \$150, application will be made to the Army area commander for authority to employ a physician by the month.

(iii) Accounts arising at stations or camps under exceptional circumstances, all accounts arising at other places, and accounts for special or surgical services will be allowed at rates considered reasonable by the approving authority.

(iv) The compensation allowed to each civilian physician for the physical examination (including urinalysis but excluding serology and chest X-ray) of applicants for enlistment in the United States Army-United States Air Force (excluding civilian components) when such examinations are authorized by regulations or orders, will be \$25 a day, unless the number to be examined is so small that it would be more economical to hire him on a basis of \$5 for a single examination and \$2 for each additional examination on the same day.

(v) Civilian physicians employed, in the absence of a medical officer or contract surgeon, for the physical examination of officers, enlisted men, or other persons under the provisions of regulations or orders from competent authority, will, except as otherwise provided by competent orders and regulations or directed by The Surgeon General, be paid at the rates prescribed in subdivision (iv) of this subparagraph for the examination of applicants for enlistment, and for each authorized vaccination at the rate of \$1 for administration of each dose of vaccine.

(2) *Charges for other civilian attendance.* Accounts for civilian hospital service, for special nursing, for medicines, for ambulance service, and for sundry items of civilian medical service will be allowed at reasonable rates approved by the Army area commander.

§ 577.4 *Treatment in hospitals of other Government services*—(a) *For whom authorized.* When Army hospitals are not available, treatment in other Federal hospitals at public expense is authorized for the following personnel, and none other:

(1) Officers, Army nurses, Women's Army Corps, other militarized female personnel of the Army, contract surgeons (full time) warrant officers, flight officers, cadets, and enlisted men, when on a duty status or while absent from duty on authorized leave or absent without leave.

(2) A prisoner in military custody.

(3) An applicant for enlistment while under observation.

(b) *Subsistence.* Subsistence charges will be at the rate prescribed by the individual hospital. Payment for subsistence will not be made to the hospital by the individual concerned. The Surgeon General will collect the subsistence charges from any officer, Army nurse, officer of the Women's Army Corps, other militarized female personnel of the Army in officer status, contract surgeon (full time) warrant officer, flight officer, so hospitalized, and deposit it to the proper appropriations.

§ 577.6 *Physical examination of civilians by medical officer.* In addition to making physical examinations of civilians who are applicants for admission to the Army or who are applicants for admission to or members of Reserve Officers' Training Corps units, medical officers will, without charge, conduct physical examination of civilians as follows.

(a) Upon request of the Civil Service Commission:

(1) In the operation of the civil retirement law: *Provided*, That a medical officer will not be required to leave his proper station for this purpose.

(2) Applicants for annuity who are being hospitalized in Army hospitals. Such reports of these examinations will be made as the Civil Service Commission may indicate, and forwarded direct.

(b) Candidates for foreign service appointments under the Department of State who may report for such examination under proper authorization from that Department.

(c) Medical officers on duty at military stations will conduct physical examinations of candidates for assignment in the Federal classified Civil Service Commission after selection by that agency: *Provided*, That the examinations can be conducted without interference with the military duties of medical officers. Hospitalization in military hospitals for the purpose of examination is not authorized.

(d) (1) Medical officers will conduct without charge, except for materials used, the following examinations, and reports will be forwarded direct to the United States Veterans' Administration.

(i) Former members of the military establishment who are applicants for pensions, provided that a medical officer will not be required to leave his proper station for this purpose.

(ii) Beneficiaries of the United States Veterans' Administration who are patients in Army hospitals, when such examinations are necessary in connection with the establishment of claims for compensation or with the reinstatement of Government insurance.

(2) Medical officers stationed in Alaska will in addition to their other duties act as medical examiners in that territory for the United States Veterans' Administration.

(e) Medical officers on duty at military stations will make such physical examinations of personnel of the Coast Guard, active and retired, as may be requested by the proper authorities of that service in the operation of the act of March 4, 1925 (43 Stat. 1261; 33 U.S.C. 765, 766), or laws that may be enacted supplemental thereto, concerning retirement on ac-

count of disability, and will make such reports thereof as the said authorities may desire: *Provided*, That no medical officer will be required to leave his proper station for this purpose, except with his own consent and the approval of his commanding officer, in which case it must be established that the person to be examined is substantially unable to report at the military station for the required examination and that public funds have been set aside by the Coast Guard for the traveling expenses and transportation of the medical officer.

(f) Civilian employees of the United States Government who have received injuries in the performance of official duty will, upon request of the officer under whom they are employed and provided that other Government medical officers are not convenient of access, be examined by medical officers to determine the degree and extent of the injury. Report will be made to the officer requesting the examination: *Provided*, That a medical officer will not be required to leave his proper station for this purpose.

(g) Honorably discharged enlisted men, sailors, and marines applying under the act of Congress, approved July 11, 1919, for positions under the Department of the Army requiring a medical certificate.

(h) Civilian aviators who have been specifically authorized by the Department of Commerce to appear for physical examination for flying by qualified flight surgeons: *Provided*, That such examinations will not interfere with the performance of their military duties.

§ 577.7 *Civilian physicians practicing upon military reservations, posts, or camps.* Regularly licensed civilian physicians may be authorized by the commanding officer to practice medicine upon military reservations, posts, or camps, other than as prescribed in § 577.3 under the following regulations:

(a) The civilian physician will, before entering upon such practice, register over his signature with the commanding officer his name, address, fact of State licensure, agreement to ascertain and observe current rules and regulations relative to the protection of the command against communicable diseases, and his agreement to conform to the established ethics of the civil medical profession. Until such agreement has been made he will not, except in case of emergency, be allowed to practice within the station or command.

(b) When a civilian physician in his practice within a military reservation, post, or camp discovers a case of disease which is or may be communicable, he will promptly report the fact to the commanding officer, who will advise the surgeon and take proper measures for the protection of the command and of other persons.

(c) When a civilian physician is summoned to treat a patient belonging to or present with any command, the patient or the person acting in his or her behalf will at the same time inform the commanding officer, who will notify the surgeon that a civilian physician has been

summoned. The surgeon will thereupon ascertain from civilian physician, or by personal examination of the patient if deemed necessary, the nature of the disease and whether it is communicable or is a source of danger to others. In the event that the disease is communicable or is considered by the surgeon to be a source of danger to others, the surgeon will so inform the commanding officer, and will exercise such supervision over the case as he may deem necessary to prevent its spread.

(d) If the patient is an officer, Army nurse, member of the Women's Army Corps, other militarized female personnel of the Army, contract surgeon (full time) warrant officer, flight officer, cadet, enlisted man, general prisoner, or prisoner of war, the civilian physician or the patient in case the medical attendance is obtained other than as provided in this section or in § 577.3 (a), will report the diagnosis of the disease or injury and the attending circumstances to the commanding officer, who will transmit the information to the surgeon:

(1) To enable the Medical Department to have knowledge of communicable diseases for which the patient might consult the civilian physician;

(2) To complete the health records of the individual in the sick and wounded records;

(3) To carry out the scheme of health conservation prescribed in AR 605-110;¹

(4) To have the information available for promotion and retirement boards; and the patient will not be relieved from the consequences of a failure to report such diagnosis unless he states that the same would tend to incriminate him.

(e) Violation of the regulations in this section by a civilian resident or by a civilian physician will render him liable to exclusion from the military reservation, post, or camp, and by any member of the military forces to appropriate disciplinary action.

(f) Each civilian physician registered to practice within a military reservation, post, or camp will be furnished with a copy of the regulations in this part and also with a copy of any other rules and regulations in force relative to the protection of the command against communicable disease.

§ 577.8 *Private practice by medical officers.* If a citizen residing in the neighborhood of a military station or the residence of an Army medical officer desires the professional services of such officer, and the services of a private practitioner acceptable to him cannot conveniently be obtained, it is regarded as not inconsistent with the regulations governing the Army for such officer to tender his services when this does not interfere with the proper performance of his official duties. Private or civil practice by Army medical officers in civilian communities the needs of which are being satisfactorily met by civilian practitioners will ordinarily be restricted to consultation practice with such civilian practitioners,

and to emergency medical or surgical work necessary to save life or limb or prevent great suffering for which civilian practitioners are not immediately available. The establishment by a medical officer of an office for the purpose of engaging in civil practice is prohibited.

§ 577.9 *Issuance of narcotic prescriptions by medical officers to be filled at civilian pharmacies.* Officers of the medical corps of the Army and Navy, in the course of official medical treatment of Army and Navy personnel and members of their families entitled to receive such treatment, are required to issue prescriptions for these patients which may call for narcotic drugs or preparations. Under circumstances where the drug or preparation required by the patient for medical use cannot be furnished from official stocks, it is necessary that it be obtained, pursuant to the official prescription, from drug store duly qualified by registration under the Federal narcotic law to fill narcotic prescriptions.

Such prescriptions, issued in the course of official professional practice only, and prepared on official blanks or stationery (such as printed forms of an Army or Navy hospital or dispensary) and otherwise meeting the requirements of Narcotic Regulations No. 5 (26 CFR, Part 151, as amended) relating to narcotic prescriptions, may be filled by a duly registered druggist although they do not bear a registry number of the issuing practitioner; provided they bear the signature, title, corps, and serial or jacket number of the issuing medical officer. Such prescriptions, when filled, shall be filed with, and retained for the same period as narcotic prescriptions issued by regularly registered practitioners and filled by the druggist.

This procedure shall not apply in the case of prescriptions written by an Army or Navy medical officer in the treatment of a private patient, i. e., a patient not entitled to receive medical treatment from the physician in the latter's capacity as a service medical officer. In prescribing and dispensing narcotic drugs to such private persons, the officer is subject to all the requirements of the Federal narcotic law, including registration and payment of tax, as are imposed upon other physicians conducting private medical practice.

ARMY HOSPITAL REGULATIONS

§ 577.15 *Persons who may be admitted to Army hospitals.* (Provisions of this section do not apply to the Army and Navy General Hospital (see AR 40-600).²)

(a) *General.* When suitable facilities for hospitalization are available, sick and injured persons enumerated in paragraph (b) of this section may be admitted to Army hospitals.

(b) *List.* (1) The following personnel of the Army:

(i) Officers, male and female (active or retired) (including Philippine Scouts)

(ii) Warrant officers, male and female (active or retired) (including Philippine Scouts)

- (iii) Flight officers.
- (iv) Army nurses (active or retired).
- (v) Cadets of the United States Military Academy.
- (vi) Militarized female personnel of the Medical Department.
- (vii) Aviation cadets.
- (viii) Contract surgeons serving full time.
- (ix) Enlisted men and women (including Philippine Scouts)
- (x) Retired enlisted men.

The admission of retired personnel on inactive status will be limited to cases which, in the judgment of the commanding officer of the hospital, will be benefited by hospitalization for a reasonable time. Those requiring merely domiciliary care by reason of age or chronic invalidism will not be admitted. Persons entitled to hospitalization under section 5, act of April 3, 1939 (53 Stat. 557), as amended by act of July 25, 1939 (53 Stat. 1079; 10 U. S. C. 456) or under section 1, act of September 26, 1941 (55 Stat. 733; 10 U. S. C. 456a), or the act of September 22, 1941 (55 Stat. 728; 10 U. S. C. 484), and persons on the Emergency Officers Retired List are not admissible to Army hospitals except under the provisions of subparagraphs (19) or (28) of this paragraph (see subparagraphs (2) and (4) of this paragraph concerning persons entitled to hospitalization under the act of June 15, 1936 (49 Stat. 1507), as amended by section 5, act of October 14, 1940 (54 Stat. 1137; 10 U. S. C. 455a-455e))

(2) The following personnel who suffer personal injury or contract disease while on active duty; or who are injured in line of duty while properly participating in aerial flights as an incident to their military training, but not on active duty; or who require rehospitalization for injuries or diseases incurred in line of duty:

(i) Members of the Officers' Reserve Corps.

(ii) Members of the Enlisted Reserve Corps.

(3) Members of the Enlisted Reserve Corps not on active duty who suffer personal injury or contract disease while undergoing training as students of the Army Specialized Training Reserve Program, including those who require rehospitalization for injuries or diseases so incurred.

(4) The following personnel who suffer personal injury or contract disease in line of duty or who require rehospitalization for such injuries or diseases:

(i) Members of the Citizens' Military Training Camps.

(5) (1) The following personnel of the Navy and/or Marine Corps (whether on active service or on retired, inactive or leave (furlough) status, except as provided in (f) and (g) of this subdivision:

(a) Officers (male and female) of the Navy or Marine Corps.

(b) Commissioned warrant officers (male and female) of the Navy or Marine Corps.

(c) Warrant officers (male and female) of the Navy or Marine Corps.

(d) Navy nurses.

(e) Midshipmen of the United States Naval Academy.

(f) Enlisted men and women of the Navy or Marine Corps on active service,

¹ Administrative regulations of the Department of the Army relative to the physical fitness of commissioned officers.

² Administrative regulations of the Department of the Army relating to hospitals.

including aviation cadets and midshipmen of the Naval Reserve.

(g) Enlisted men of the Navy and Marine Corps on retired (inactive) status and inactive enlisted personnel transferred to the Fleet Naval Reserve or to the Fleet Marine Corps Reserve after 16 or more years of service.

(ii) The procedure for admission of the above-mentioned personnel will be as follows:

(a) *On active service.* On the request of their commanding officer or on their own request if the commanding officer of the hospital concerned deems such admission necessary. Whenever such request has not been received from the commanding officer of such active duty personnel, report of hospitalization should be made immediately to the Bureau of Medicine and Surgery, Navy Department, Washington, D. C.

(b) *On inactive status.* On authorization of the proper representative of the Navy Department, or on their own request if their admission be deemed necessary by the commanding officer of the hospital concerned, provided beds are available in the hospital concerned. Whenever such authorization has not been received, report of hospitalization should be made immediately to the Bureau of Medicine and Surgery, Navy Department, Washington, D. C., and authorization requested therefor.

(iii) The admission of patients requiring merely domiciliary care by reason of age or chronic invalidism is not authorized.

(6) Commissioned officers of the United States Public Health Service on active duty, upon the individual officer's own written request when such officers are disabled as the result of sickness or injury.

(7) Civilian employees of the United States Public Health Service on duty at any national quarantine station, or on a national quarantine vessel, or detailed for duty in foreign ports, suffering from sickness or injury, upon written authorization by a responsible officer of the United States Public Health Service.

(8) The following personnel of the United States Coast Guard on active duty, including those on shore duty and those on detached duty, upon written authorization of the responsible Coast Guard officer:

- (i) Officers (male and female)
- (ii) Commissioned warrant officers (male and female)
- (iii) Warrant officers (male and female)
- (iv) Cadets.
- (v) Enlisted men and women (including Reserve cadets)

(9) The following personnel of the United States Coast and Geodetic Survey, on active duty, including those on shore duty and those on detached duty, upon written authorization of the responsible Coast and Geodetic Survey officer:

- (i) Commissioned officers.
- (ii) Ship's officers.
- (iii) Members of the crews of vessels.
- (10) Wives, or dependent husbands, and dependent children of the following Army personnel, and other dependent

members of their families (when such other dependent members reside in the home of such Army personnel and are not legally dependent upon an individual not in the military service), requiring hospital treatment or isolation and when accommodations for their care are available:

- (i) Officers (male and female).
- (ii) Warrant officers.
- (iii) Flight officers.
- (iv) Aviation cadets.
- (v) Enlisted men and women.

Application in each case will be made to the commanding officer of the hospital concerned by the officer, warrant officer, flight officer, aviation cadet, or enlisted man or woman with evidence satisfactory to the commanding officer showing the relationship, dependency, residence, nature of the illness, and need for hospital treatment. Dependents of military personnel should not undertake travel to a military hospital without first ascertaining whether and when accommodations will be available. If the case is under the care or within the province of an attending surgeon of the Army, application will be made by him; otherwise, it will be made direct.

(11) Civilian employees of the United States Government compensable by the United States Employees' Compensation Commission who suffer personal injury while in the performance of official duty, or who acquire a disease as a natural result of such injury, or who acquire an occupational disease in the performance of official duty, entitled to hospitalization or treatment in conformity with instructions issued from time to time by The Surgeon General.

(12) Civilians employed at military stations and paid from hospital subsistence accounts, or from nonappropriated funds under Army Regulations, provided civilian hospital service is not available.

(13) Recently discharged enlisted men and women needing hospital treatment, who arrive in the United States on Government transports, in Army hospitals in the vicinity of the port of debarkation.

(14) Civilian seamen in the service of ships operated by the Department of the Army on presentation of a certificate from the master or other appropriate administrative authority (which may be dispensed with only in emergencies), and Transportation Corps marine officer cadets, not including United States Employees' Compensation Commission beneficiaries in either case, for a reasonable time and except for injuries or diseases resulting from their own misconduct: *Provided*, That, except in emergencies, those entitled to care by the United States Public Health Service will be admitted only when no facilities of that Service are available. A seaman is in the service of a ship, although not on board and not engaged in his duties, as long as he is under the power and jurisdiction of competent Department of the Army authorities. Cases of traumatic injury or occupational disease incurred in the course of employment should be treated as United States Employees' Compensation Commission beneficiaries,

and are admissible under subparagraph (11) of this paragraph.

(15) In Army hospitals within the continental limits of United States, American merchant seamen (other than those covered in subparagraph (14) of this paragraph) and American river boatmen, only on authorization of the officer in charge of the United States Public Health Service station where the application for such authorization is made, unless their condition demands immediate relief when, in the discretion of the hospital commander, they may be admitted in advance of receipt of authorization.

(16) In Army hospitals outside the continental limits of the United States in time of war and for 6 months thereafter, the following merchant seamen, including officers (other than those covered in subparagraph (14) of this paragraph) on presentation of a Master's Certificate of Service:

(i) Merchant seamen of vessels owned by or bareboat-chartered to the War Shipping Administration.

(ii) Merchant seamen of vessels time-chartered to the War Shipping Administration.

(17) Enrolled Indians who are beneficiaries of the Indian Service upon written approval by the Office of Indian Affairs, Department of Interior, or, preferably, by the superintendent of the agency to which the Indian belongs, provided beds are available.

(18) The following when on duty at military stations:

- (i) Red Cross personnel.
- (ii) Other officially recognized welfare workers.

(19) Beneficiaries of the Veterans' Administration in limited numbers in certain designated Army hospitals upon request of the proper representatives of the Veterans' Administration.

(20) Prisoners of war, persons undergoing internment, and other persons in military custody or confinement.

(21) Employees of commercial airlines under contract to the Air Transport Command in Army hospitals and other medical installations outside the continental limits of the United States.

(22) Members of the Civil Air Patrol who suffer personal injury or incur sickness in line of duty while engaged on active duty assignments within the field activities of the Civil Air Patrol under the provisions of United States Air Force regulations.

(23) Applicants for enlistment, selectees and inductees, while under military control.

(24) Civilian employees of the Department of the Army who are not United States Employees' Compensation Commission beneficiaries, when serving in territories or possessions of the United States where civilian hospital facilities are not obtainable or when on military missions in foreign countries, for care and treatment until completion of their assignments in such territories or possessions or in such foreign countries, and without cost to the individual except for subsistence. Cases of traumatic injury in line of duty should be treated as United States Employees' Compensation Commission beneficiaries.

(25) Senior cadet nurses during the period of their training at Army hospitals.

(26) Members of the United States Soldiers' Home when authorized by the Governor of the Home.

(27) Other civilians, whether or not in the public service, only in case of extreme necessity and when in the opinion of the commanding officer of the hospital, or his authorized representative, admission is necessary to save life or prevent greater suffering. Under these circumstances a written report will be submitted immediately to the post commander.

(28) Such other person as may be designated by the Secretary of the Army.

§ 577.16 Disposition of patients—(a) General. Unless directed by higher authority, the commanding officer of a hospital will not order a patient discharged or transferred from the hospital until, in such commanding officer's opinion, the discharge or transfer in question would not endanger the life of the patient concerned. The commanding officer may appoint a board composed of three or more medical officers, to be known as a disposition board, to advise him in such cases as he considers necessary. The report of the disposition board will be forwarded with his recommendations to higher authority in appropriate cases. For disposition of the psychotic see §§ 576.1 and 576.2 of this chapter and AR 600-500.¹

(b) *Discharge.* (1) Persons other than those in the public service will, in the discretion of the commanding officer of the hospital, be discharged from hospital upon completion of hospital treatment.

(2) Civilians admitted to Army hospitals as patients must, in all particulars, conform to the rules and regulations governing the operation of such hospitals, and, in the event of failure or refusal to comply therewith, the patient at once becomes liable to discharge from the hospital in the discretion of the commanding officer. A patient so discharged from hospital for disregard or disobedience of rules and regulations will be refused admission thereto or to any other Army hospital within 90 days after such discharge, except when, in the opinion of the commanding officer, earlier admission is necessary to save life or to prevent extreme suffering. Whenever beneficiaries of the United States Veterans' Administration are discharged from hospital under the preceding conditions, the commanding officer of the hospital involved will forward to the Director of the United States Veterans' Administration, through the regional manager, a report giving the reasons for the patient's discharge, together with his full name and address, and condition at the time of discharge.

(c) *Transfer.* (1) Patients may be transferred, under proper military authority, from one hospital to another, for observation or to obtain better treat-

ment or hospital accommodations. See AR 40-600.²

(2) In the zone of the interior and, where practicable, overseas, the complete original clinical record, including X-ray films, electrocardiograms, and all pertinent laboratory data and progress notes, will accompany the patient to the hospital to which he is transferred.

(d) *Discharge of members of civilian components.* Members of the civilian components, hospitalized or rehospitalized under provisions of § 577.15 (b) (2)

(3) or (4) for personal injury or for disease requiring treatment after expiration of the period of active duty during which contracted, will be brought before boards of medical officers for final disposition when hospital treatment is no longer necessary, or when discharged upon their own request before maximum improvement has been reached. The medical boards acting on cases of individuals remaining in hospital subsequent to completion of the period of active duty in which their disability was incurred will recommend the final disposition of the patients, and will incorporate in the proceedings the diagnosis, line of duty status, physical condition on completion of hospitalization, statement that further hospitalization is not required, and a concise medical history of the case. If further medical or surgical treatment will be required after return home, the reasons therefor, and the probable duration of such treatment will be included in the proceedings. Arrangement for such treatment as is required after return home will be made by the local commanding officer in accordance with § 577.3, and with the approval of the Army area commander. The proceedings of the disposition board will be forwarded in duplicate to the Army area commander, stating the date upon which hospitalization was terminated, and, in the case of Reserve personnel, will be accompanied by the report of physical examination made by the board of WD AGO Form No. 63 (Report of Physical Examination). Any claim for injuries sustained while en route to or from, or while at camps of instruction will be acted on by a board of officers convened by the military commander having immediate jurisdiction.

§ 577.17 Patients' effects—(a) General. These provisions have particular application to and are intended to cover the ordinary requirements of peacetime conditions. In time of war, when large numbers of patients are being received daily, strict adherence to the procedures herein prescribed may be impracticable; therefore, such deviations as the commanding officer of the hospital concerned may deem necessary may be made to assure the safeguarding of patients' effects.

(b) *Responsibility.* The commanding officer of a hospital is responsible that due care is observed in safeguarding the money, valuables, clothing, and other effects of patients admitted to hospital. The registrar ordinarily will be the cus-

todian of money and valuables turned over to the hospital by patients for safekeeping.

(c) *Money and valuables.* Patients will be informed by the admitting officer that the hospital will receive, for safekeeping, money and valuables, including watches, trinkets, personal papers, keepsakes, etc., and that receipts will be given for such articles by an individual authorized by the commanding officer. In case the patient is unconscious, he will be searched by the admitting officer, in the presence of a witness, for money and valuables, which will be receipted for by a commissioned officer and properly safeguarded. Money and valuables will be received and receipted for without condition or other evasion of complete responsibility by the commanding officer or by an officer, warrant officer, or any bonded individual designated by him. Money and valuables of considerable intrinsic value, such as watches and jewelry, will be deposited in a bank or locked in the hospital safe. Articles of lesser value may be stored in locked compartments in a well safeguarded storeroom. When a patient is discharged, transferred, dies, or deserts, his money and other valuables will be disposed of as prescribed for the disposition of effects other than public property.

§ 577.18 Subsistence and other charges for patients. (Provisions of this section do not apply to the Army and Navy General Hospital, except as provided in AR 40-600.)

(a) *Subsistence charges; rates.* The following schedule of rates will apply and, except as indicated in footnote 1, will be collected direct from patients:

(1) For persons described in detail in the following subdivisions of § 577.15 (of which the descriptions below are merely convenient summaries), \$1 a day:

(i) Officers (Army) (§ 577.15 (b) (1) (i))

(ii) Warrant officers (Army) (§ 577.15 (b) (1) (ii))

(iii) Flight officers (Army) (§ 577.15 (b) (1) (iii))

(iv) Nurses (Army) (§ 577.15 (b) (1) (iv))

(v) Militarized female personnel (Army) (§ 577.15 (b) (1) (vi))

(vi) Aviation cadets (Army) (§ 577.15 (b) (1) (vii))

(vii) Contract surgeons (Army) full time (§ 577.15 (b) (1) (viii))

(viii) Retired enlisted men (Army), advanced on retired list to commissioned or warrant grades under the provisions of the act of Congress approved 7 May 1932, unless they elect to be subsisted on enlisted status (§ 577.15 (b) (1) (x))

(ix) Officers' Reserve Corps (when not entitled to subsistence at Government expense) (§ 577.15 (b) (2) (i))

(x) Officers (Navy and Marine Corps) (§ 577.15 (b) (5) (1) (a))

(xi) Commissioned warrant officers (Navy and Marine Corps) (§ 577.15 (b) (5) (1) (b))

(xii) Warrant officers (Navy and Marine Corps) (§ 577.15 (b) (5) (1) (c))

¹ Administrative regulations of the Department of the Army relative to disposition of the psychotic.

² Administrative regulations of the Department of the Army relating to hospitals.

(xiii) Nurses (Navy) (§ 577.15 (b) (5) (i) (d)).

(xiv) ¹Commissioned officers of United States Public Health Service (§ 577.15 (b) (6)).

(xv) ¹Civilian employees of United States Public Health Service (§ 577.15 (b) (7)).

(xvi) ¹Officers (Coast Guard) (§ 577.15 (b) (8) (i)).

(xvii) ¹Commissioned warrant officers (Coast Guard) (§ 577.15 (b) (8) (ii)).

(xviii) ¹Warrant officers (Coast Guard) (§ 577.15 (b) (8) (iii)).

(xix) ¹Cadets (Coast Guard) (§ 577.15 (b) (8) (iv)).

(xx) ¹Commissioned officers (United States Coast and Geodetic Survey) (§ 577.15 (b) (9) (i)).

(xxi) ¹Ship's officers (United States Coast and Geodetic Survey) (§ 577.15 (b) (9) (ii)).

(xxii) Dependents of officers (Army, § 577.15 (b) (10) (i)).

(xxiii) Dependents of warrant officers (Army) (§ 577.15 (b) (10) (ii)).

(xxiv) Dependents of flight officers (Army) (§ 577.15 (b) (10) (iii)).

(xxv) Dependents of aviation cadets (Army) (§ 577.15 (b) (10) (iv)).

(xxvi) Merchant Marine officers of vessels time-chartered to War Shipping Administration, outside United States (§ 577.15 (b) (16) (ii)).

(xxvii) Red Cross personnel (in time of peace) (§ 577.15 (b) (18) (i)).

(xxviii) Other welfare workers (§ 577.15 (b) (18) (ii)).

(xxix) Employees of commercial air lines, outside United States (§ 577.15 (b) (21)).

(xxx) Members of Civil Air Patrol (§ 577.15 (b) (22)).

(xxxi) Senior cadet nurses. (§ 577.15 (b) (25)).

(xxxii) Other civilians admitted in emergencies, unless destitute (§ 577.15 (b) (27)).

(xxxiii) Designees of the Secretary of the Army (unless otherwise specified) (§ 577.15 (b) (28)).

(2) For persons described in detail in the following subdivisions of § 577.15 (of which the descriptions below are merely convenient summaries), an amount equal to the commutation rate established in accordance with Army Regulations.

(i) Cadets of United States Military Academy (§ 577.15 (b) (1) (v)).

(ii) Retired enlisted men, Army (including those advanced on retired list to commissioned or warrant grades under the provisions of the act of Congress approved 7 May 1932 who elect to be sub-

sisted on enlisted status) (§ 577.15 (b) (1) (x)).

(iii) Midshipmen of United States Naval Academy (§ 577.15 (b) (5) (i) (c)).

(iv) ¹Enlisted men (Navy and Marine Corps) on retired or inactive status, etc. (§ 577.15 (b) (5) (i) (g)).

(v) ¹Enlisted men and women (Coast Guard) (§ 577.15 (b) (8) (v)).

(vi) ¹Crews of vessels (United States Coast and Geodetic Survey) (§ 577.15 (b) (9) (iii)).

(vii) Dependents of enlisted men and women (Army) (§ 577.15 (b) (10) (v)).

(viii) ¹Civilian employees of the Government compensable by United States Employees' Compensation Commission (§ 577.15 (b) (11)).

(ix) Civilians paid from hospital subsistence accounts or nonappropriated funds (§ 577.15 (b) (12)).

(x) ¹American merchant seamen or river-boatmen in United States (§ 577.15 (b) (15)).

(xi) ¹Merchant seamen (excluding officers) of vessels time-chartered to War Shipping Administration, outside United States (§ 577.15 (b) (16) (ii)).

(xii) ¹Enrolled Indians (§ 577.15 (b) (17)).

(xiii) ¹Beneficiaries of Veterans' Administration (§ 577.15 (b) (19)).

(xiv) Civilian employees of Department of the Army outside continental United States not entitled to United States Employees' Compensation Commission benefits (§ 577.15 (b) (24)).

(xv) ¹Members of United States Soldiers' Home (§ 577.15 (b) (26)).

(b) *Medicine Charges; rates.* Per diem charges of 50 cents for medicines and dressings will be collected from persons admitted to hospitals under the provisions of § 577.15 (b) (12) (21) (27). In the case of expensive medicines, dressings, appliances, etc., additional charges will be made at such increased rate to be determined by the commanding officer of the hospital as will reimburse the United States for their cost.

§ 577.19 *Civilian hospital employees—*

(a) *General.* The employment of civilians necessary for the proper care of patients is authorized in annual appropriations "Medical and Hospital Department, Army" under such regulations fixing their number, qualifications, assignment, pay, and allowances as may be prescribed by the Secretary of the Army.

(b) *Qualifications.* The employment of hospital employees is subject to the requirements of the Civil Service Commission under the procedure established by the Civil Service Act and rules.

(c) *Appointment, promotion, demotion, suspension, and discharge.* Hospital employees will be appointed, promoted, demoted, suspended without pay, and discharged under the provisions of such regulations as the Secretary of the Army and the Civil Service Commission may from time to time prescribe.

(d) *Rations.* Whenever it is found necessary or deemed desirable, civilian employees, irrespective of their rate of pay, may be either furnished meals at the hospital, or, by special authority of the commanding officer of the medical installation in exceptional circumstances, furnished with a ration in kind: Pro-

vided, That deductions are taken from their pay for such subsistence or ration, or that reimbursement in cash is received. Civilian employees permitted or required to take meals regularly at the hospital will have appropriate deductions made from their gross compensation. Civilian employees permitted to take an occasional meal at the hospital will make reimbursement to the hospital subsistence account in cash. The cash value of subsistence furnished will be determined by The Surgeon General.

(e) *Quarters.* Such quarters as may be available will be furnished for the use of employees (including senior cadet nurses and Army nurses' aides) and, in time of war, American Red Cross workers, whose constant presence at the hospital is necessary or appropriate.

§ 577.20 *Laundry—*(a) *General.* Efficient hospital administration required that the hospital laundry consist of the following, which will be laundered without charge to the individuals concerned, except as stated herein:

(1) Linen, clothing, and bedding belonging to the Medical Department.

(2) Bulk linen and bedding of enlisted men and women assigned or attached to, or on duty at, the hospital.

(3) Washable clothing of enlisted men and women while patients in the hospital.

(4) White coats and trousers of enlisted attendants.

(5) Washable clothing of civilian attendants when their contracts of employment entitled them to this service.

(6) Washable clothing (including uniforms), bulk linen, and bedding of senior cadet nurses while on duty at, or patients in, the hospital.

(7) Uniforms of American Red Cross workers serving in the hospital; and uniforms, coveralls, and work suits for civilian hospital employees when deemed necessary by the commanding officer for the maintenance of sanitary standards.

(8) Diapers and other linen of infant patients.

(9) Within the limits of available hospital laundry facilities, laundry service for the staff and related medical organizations, detachments at the hospitals, and medical personnel at nearby stations, including staffs and detachments of numbered hospitals when attached for training. Rates chargeable will be prescribed by the Quartermaster General.

(b) *Purchase from commercial sources for Army hospitals and dispensaries within continental United States; when authorized.* When laundry service cannot be procured from Army owned and operated laundries and is not obtainable from Federal prison laundries or laundries of other government agencies, hospitals and dispensaries will employ commercial laundries under instructions from the Army area commander at Class I and II installations and from the commanding general of the appropriate Air Force command at air installations.

§ 577.24 *Army and Navy General Hospital—*(a) *Character of cases treated—*

(1) *General.* All medical and surgical cases of a general nature may be admitted to this hospital, except insanity and tuberculosis of the lungs, which may be

¹Subsistence charges for these personnel will not be collected from the patients but either will be billed by the commanding officer of the medical installation concerned direct to the Surgeon General of the Army or will be otherwise collected in accordance with instructions from time to time issued by The Surgeon General. In the case of enlisted men (Navy and Marine Corps) on retired (inactive) status, etc. (§ 577.15 (b) (5) (i) (g)), subsistence charges will be billed to The Surgeon General of the Army only if the admission of such personnel to the hospital has been authorized by the Bureau of Medicine and Surgery, Navy Department, Washington, D. C.; if not so authorized, the subsistence charge will be collected direct from such personnel.

admitted only temporarily in an emergency.

(2) *Special.* While equipped to care for all types of medical and surgical conditions (except as noted in subparagraph (1) of this paragraph) this hospital also has available the Hot Springs mineral waters used in the administration of hydrotherapy, together with excellent physiotherapy and occupational-therapy facilities. These waters have been found to be of special benefit in certain types of disease and injury. The best results are obtained in inflammatory conditions of the joints, neuritis, and neuralgia.

(b) *Classes of persons who may be admitted.* Persons of the following classes may be admitted:

(1) All personnel authorized admission by § 577.15.

(2) Honorably discharged officers, nurses, commissioned warrant officers, warrant officers, cadets, midshipmen, cadet engineers, and enlisted men of the Army, the Navy, the Marine Corps (including National Guard forces, Naval Militia, volunteers, and drafted or selected men in the service of the United States) the Coast Guard, the Coast and Geodetic Survey, and honorably discharged officers of the Public Health Service, when accommodations are available.

(c) *Procedure for admission.*—(1) *For beneficiaries of Veterans' Administration.* Beneficiaries of the Veterans' Administration will be admitted upon requests made to the commanding officer of the hospital by the proper representative of the administration.

(2) *Other persons.* Other persons may be admitted upon special authority of the Secretary of the Army or the Surgeon General.

(3) *Admission in advance of authorization.* A patient presenting himself for treatment in advance of authorization may, if the case is one of emergency, be admitted at the discretion of the commanding officer of the hospital, who will report his action to the proper authority for confirmation.

(d) *Disposition of patients.* Retired enlisted men of any of the public services, and civilians, will be discharged from this hospital at their discretion or at the discretion of the commanding officer.

(e) *Charges.*—(1) *Subsistence charges.* (i) A subsistence charge of 60 cents a day will be made for an enlisted man on the active list of the Navy, Marine Corps, United States Coast Guard, and Coast and Geodetic Survey, to be paid by the proper superior upon monthly statements submitted by the commanding officer of this hospital direct to the Surgeon General of the Navy, the commandant of the Coast Guard, and the disbursing agent of the Coast and Geodetic Survey, respectively.

(ii) Subsistence charges will be collected from other pay patients as follows:

(a) For officers and those subsisted on a like status, at the rates prescribed in § 577.18.

(b) For cadets of the United States Military Academy, midshipmen of the United States Naval Academy, and

nurses other than those on the active list, at 85 cents per day.

(c) For those subsisted on the status of an enlisted man, at 85 cents per day.

(2) *Medicine charges.* See § 577.18 (b)

(3) *Commutation of rations.* The rations of enlisted men on the active list of the Army, whether on a patient or on a duty status, and civilian employees on duty in the Medical Department at large are commuted at the rate of 60 cents a day, payment thereof to be made by the local disbursing officer.

§ 577.27 *Fitzsimons General Hospital.*—(a) *General.* (1) The chief purpose of the Fitzsimons General Hospital, Denver, Colo., is to give treatment under most favorable conditions to patients with tuberculosis.

(2) Medical and surgical cases of a general character may be admitted.

(b) *Admissions.*—(1) *Classes of persons who may be admitted.* The admission to this hospital of the following classes of patients is authorized:

(i) All persons enumerated in § 577.15.

(ii) Beneficiaries of the United States Soldiers' Home, Washington, D. C.

(iii) Other persons, upon special authority of the Secretary of the Army or The Surgeon General.

(2) *Procedure for admission.* (i) Beneficiaries of the United States Soldiers' Home, Washington, D. C., are admitted under arrangements approved by the Board of Commissioners of the home.

(ii) Beneficiaries of the United States Veterans' Administration may be admitted direct upon written authority of the proper representative thereof.

(iii) Civilian employees (see § 577.15) may be admitted direct on certificate of the official under whom they are employed, the certificate to state the fact of employment and the circumstances under which the injury was incurred.

(iv) Members of families (defined in § 577.15) may be admitted upon application made direct to the commanding officer of the hospital.

(v) All other nonmilitary persons not otherwise provided for will be admitted only on authority of the Secretary of the Army or The Surgeon General.

(c) *Charges.*—(1) *General.* Provisions regarding hospital charges published in § 577.18 will govern charges at this hospital except as otherwise prescribed in subparagraphs (2) and (3) of this paragraph.

(2) *Subsistence charges.* Subsistence charges for cadets of the United States Military Academy and for midshipmen of the United States Naval Academy will be \$1 per day.

(3) *Charges for beneficiaries of United States Soldiers' Home, Washington, D. C.* All expenses of maintenance of patients from the Soldiers' Home will be paid by the Board of Commissioners of the home.

DENTAL ATTENDANCE

§ 577.40 *General.*—(a) *Definition.* The term "dental attendance" as used in the regulations in this part embraces the medical, surgical, and mechanical treatment of oral diseases, injuries, and deficiencies that come within the field of

dental and oral surgery as commonly practiced by the dental profession, the advice relating thereto, and the oral examinations connected therewith given to persons by a dental officer or a civilian dentist. It is that phase of medical attendance which, on account of its technical nature, requires the services of a dentist.

(b) *Agencies for providing dental attendance in the Army.* Dental clinics established in or in connection with agencies provided for medical attendance at permanent stations or in the field are maintained to provide dental attendance.

(c) *Precedence in treatment.* Persons requiring emergency treatment will receive first consideration. Officers, Army nurses, warrant officers, cadets, enlisted men, and contract surgeons (full time) will receive precedence over all others for dental attendance.

(d) *Selection of professional procedures.* Except as otherwise prescribed herein, the selection of professional procedures to be followed in each case, including the use of special dental materials, will be left to the judgment of the dental officer concerned.

(e) *By whom rendered.* While it is intended that dental attendance will ordinarily be rendered by persons in the Dental Corps of the Medical Department or by civilian dentists, medical officers will, in the absence of a dental officer, render dental attendance to the extent that their training and skill justify.

(f) *Other regulations governing dental attendance.* In general §§ 577.1-577.8, relating to medical attendance, will govern dental attendance except as otherwise provided in the regulations in this part.

§ 577.41 *For whom authorized.* Dental attendance is authorized for the same persons and under the same conditions as medical attendance (see §§ 577.1 to 577.8) subject to the provisions of § 577.43 respecting civilian dental attendance.

§ 577.42 *Dental materials.*—(a) *General.* Dental materials whether special or otherwise are authorized for use in rendering dental treatment to those entitled to dental attendance.

(b) *Use.* In all cases of common dental disability the Government supplies plastic materials—amalgam and cement—for filling operations; porcelain crowns for tooth crown replacement and vulcanite dentures, with clasps and bars as required, for the replacement of lost teeth. In routine practice these materials will ordinarily be used. All central, lateral, and cuspid teeth will ordinarily be filled with silicate cement. All bicuspid and molar teeth will ordinarily be filled with amalgam.

§ 577.43 *Civilian dental attendance.*—(a) *General authorization.* Subject to the conditions and limitations specified in this section, civilian dental attendance at public expense is authorized for personnel enumerated in paragraph (b) of this section, when the required attendance cannot be procured from a dental officer of the Army, from a medical officer, one being available (see § 577.40

(e)) or from a Federal agency other than the Army. *Provided*, That this will not apply to personnel who obtain elective dentistry from civilian dentists.

(b) *For whom authorized.* Civilian dental attendance at public expense is authorized for the following personnel and none other:

(1) Officers, Army nurses, Women's Army Corps, other militarized female personnel of the Army, contract surgeons (full time) warrant officers, flight officers, cadets, enlisted men, when on a duty status or when absent on authorized leave, sick leave, furlough, or pass. Civilian dental attendance is not authorized for the personnel enumerated when absent without leave.

(2) Prisoners of war, persons undergoing internment, and other persons in military custody or confinement.

(3) Applicants for enlistment while under observation.

(c) *Emergency dental attendance.* Prior approval of higher authority is not required for the employment of a civilian dentist for emergency dentistry, which is defined as dental treatment for the relief of pain, or acute septic conditions, or of dental injuries caused by direct violence. Such attendance will be confined to the relief of the immediate emergency. Follow-up procedures are subject to the provisions of paragraph (d) of this section.

(d) *Routine or extensive dental attendance.* (1) Civilian dentists may not be employed at public expense for the treatment of chronic lesions, filling operations, prosthetic replacements, and other prolonged or extensive procedures, such as those required following the relief of an immediate emergency, until specific approval for such employment has been received from the approving authority (see subparagraph (2) of this paragraph) *Provided*, That in the case of military personnel on detail without troops in foreign countries, dental service of this character which is urgently necessary may be procured at reasonable rates without prior approval of higher authority. *Provided further*, That in the case of military personnel on duty with troops outside continental United States, the procurement of dental service of this character will be governed by such directives as the department or force commander, according to jurisdiction, may issue.

(2) Application for authority to employ a civilian dentist in continental United States for routine or extensive dentistry (see subparagraph (1) of this paragraph) will be made as follows:

(i) At Army medical centers and general hospitals—to The Surgeon General.

(ii) At Manhattan District, Oak Ridge, Tennessee, and projects at other places under its jurisdiction—to the District Engineer, Manhattan District, Oak Ridge, Tennessee.

(iii) At places in continental United States other than those listed under paragraphs (a) and (b) of this section—to the commanding general of the army concerned or of the Military District of Washington, according to jurisdiction.

(3) In requesting authority to employ a civilian dentist in continental United

States, information will be given as follows:

(i) The character and extent of the disability.

(ii) Its origin or causation, and if due to external violence, what the violence was and when it occurred.

(iii) The professional procedures considered necessary to correct it.

(iv) What measures of relief have been taken by the medical officer, or if no measures have been taken, the reasons.

(v) An estimate of the time required for its correction and the probable cost thereof.

(vi) A statement of the duties upon which the patient is engaged and how his absence therefrom, should dental treatment require it, would affect the public interest.

(vii) When the patient was last on duty at a station where the services of a dental officer were available.

(viii) The probable length of tour of duty at the patient's present station.

(ix) Present status, whether duty, leave, or furlough. If on leave or furlough, the day and hour the leave or furlough started and the day and hour of termination should be stated.

(x) The probability of the patient's attendance at one of the next summer training camps, and the camp he will attend, if known.

The approving authority, on receipt of this information, may, as he considers proper, grant or deny the request for civilian dentistry, or recommend that the patient be ordered to a station where he can receive dental services from a dental officer of the Army.

§ 577.44 *Rendition and payment of accounts for services of civilian dentists.* Accounts will be prepared locally in the name of the dentist on WD AGO Forms 8-9 and 8-10 (Public Voucher for Medical Services) and forwarded for settlement to the authority indicated below, who will take such action thereon as is deemed proper under law and regulation, charges to be allowed in reasonable amount only.

(a) For services to personnel at Army medical centers and general hospitals in continental United States, vouchers will be forwarded to The Surgeon General.

(b) For services to personnel, Manhattan District, and projects thereunder, vouchers will be forwarded to the District Engineer, Manhattan District, Oak Ridge, Tennessee, who will request advice and recommendation from The Surgeon General in such cases as present unusual or difficult aspects.

(c) For services to personnel in continental United States other than those listed under paragraphs (a) and (b) of this section, vouchers will be forwarded to the commanding general of the army concerned or of the Military District of Washington, according to jurisdiction, who will request advice and recommendation from The Surgeon General in such cases as present unusual or difficult aspects.

(d) Blank forms will be obtained in accordance with current directives. Charges for civilian dental attendance should not be paid otherwise than by disbursing officers except when abso-

lutely necessary. When, however, payment has been made by an individual other than a disbursing officer, WD AGO Forms 8-17 and 8-18 (Public Voucher-Reimbursement of Medical Bills) for reimbursement, with adequate receipt, will accompany WD AGO Forms 8-9 and 8-10 covering the service.

§ 577.45 *Persons ordered on detached service.* When ordered to permanent detached service from a station where a dental officer is on duty, military personnel will report at once to the dental surgeon for dental examination and necessary treatment. Also, persons who may be performing detached service will, while attending summer training camps and at such other times as they may be where the services of a dental officer are available, report to such officer for examination and necessary treatment. Dental officers will give preference to the care and treatment of such persons.

§ 577.46 *Private practice by dental officers.* The general provisions of § 577.3, relating to private practice of medical officers will govern private practice of dental officers.

PART 578—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

DECORATIONS FOR INDIVIDUALS

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BADGES

578.60	Badges, general.
578.61	Marksmanship badges.

CROSS REFERENCE: For official designation of World War II, see Title 3, Chapter VII, *supra*.

DECORATIONS FOR INDIVIDUALS

AUTHORITY: §§ 578.1 to 578.11 issued under 40 Stat. 870-872, 41 Stat. 398, 44 Stat. 789; 10 U. S. C. 1403, 1409, 1411, 1429.

DERIVATION: AR 600-45, Sept. 22, 1943.

§ 578.1 Decorations—(a) General

(1) Decorations are awarded in recognition of and as a reward for extraordinary, unusual, or outstanding acts or services. They are the visible evidence of such acts or services and are cherished accordingly by the recipients. Properly utilized, they are potent incentives to greater effort and instrumental in building and maintaining morale.

(2) Decorations are intended primarily as recognition of war services. The liberal standards established for awards for war services could not be applied in time of peace without depreciating the value of decorations.

(3) The eligibility of any person for the award of a decoration (civilian or military) is determined by his status (civilian or military) at the time the act was performed or the service rendered.

(b) *Department of the Army military decorations.* An Oak-Leaf Cluster is awarded in lieu of an additional decoration and its precedence is that of the decoration it represents. Order of precedence of military decorations is as follows:

- (1) Medal of Honor.
- (2) Distinguished-Service Cross.
- (3) Distinguished-Service Medal.
- (4) Silver Star.
- (5) Legion of Merit.
- (6) Distinguished-Flying Cross.
- (7) Soldier's Medal.
- (8) Bronze Star Medal.
- (9) Air Medal.
- (10) Army Commendation Ribbon.
- (11) Purple Heart.

(c) *Duplication of awards.* Not more than one decoration will be awarded for the same act of heroism, the same meritorious achievement, or the same period of meritorious service.

§ 578.2 *To whom decorations awarded—(a) Medal of Honor.* (1) The Medal of Honor is awarded in the name of Congress to each person who, while an officer, noncommissioned officer or private of the Army, in action involving actual conflict with an enemy, distinguishes himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty. See act 9 July 1918 (40 Stat. 870; 10 U. S. C. 1403).

(2) In order to justify an award of the Medal of Honor, the individual must perform in action a deed of personal bravery or self-sacrifice above and beyond the call of duty, so conspicuous as clearly to distinguish him for gallantry and intrepidity above his comrades, involving risk of life or the performance of more than ordinarily hazardous service, the omission of which would not justly subject him to censure as for shortcoming or failure in the performance of his duty. The recommendations for the decoration will be judged by this standard of extraordinary merit, and incontestable proof of the performance of the service will be exacted.

(3) *Description:* A bronze five-pointed star $1\frac{1}{16}$ inches in diameter, surrounded by a laurel wreath in green enamel, suspended by two links from a bronze bar bearing the inscription "Valor," and surmounted by an eagle. In the center of the star is the head of Minerva surrounded by the inscription "United States of America." Each ray of the star bears an oak leaf in green enamel. On the reverse of the bar are stamped the words "The Congress to," and on the reverse of the medal are engraved the grade, name, and organization of the recipient, with the place and date of the act for which the medal is awarded. The medal is suspended by a hook to a ring fastened behind the eagle. The hook is attached to a neckband of ribbon 20 inches in length. The neckband is of light blue watered silk $1\frac{3}{16}$ inches in width and midway between the ends of the neckband are 13 white stars arranged in the form of a triple chevron, consisting of two chevrons of 5 stars each and one of 3 stars.

(b) *Distinguished-Service Cross.* (1) The Distinguished-Service Cross is awarded to persons who, while serving in any capacity with the Army, distinguish themselves by extraordinary heroism in connection with military operations against an armed enemy. (See act 9 July 1918 (40 Stat. 870; 10 U. S. C. 1406).)

(2) To warrant an award of the Distinguished-Service Cross a person must perform an act or acts of heroism so notable and involving a risk of life so extraordinary as to set him apart from his comrades.

(3) *Description:* A cross of bronze 2 inches in height and $1\frac{1}{16}$ inches in width with an eagle on the center, and a scroll below the eagle bearing the inscription "For Valor." On the reverse, in the center of the cross, is a space for the name of the recipient (which is to be engraved within a wreath). The cross is suspended by a ring from a watered silk ribbon $1\frac{3}{8}$ inches in length and $1\frac{1}{8}$ inches in width, composed of a band of red ($\frac{1}{8}$ inch), white ($\frac{1}{8}$ inch) blue (1 inch) white ($\frac{1}{16}$ inch) and red ($\frac{1}{8}$ inch).

(c) *Distinguished-Service Medal.* (1) The Distinguished-Service Medal is awarded to members of the armed forces who, while serving in any capacity with the Army, distinguished themselves by exceptionally meritorious service to the Government in a duty of great responsibility. (See act July 9, 1918 (40 Stat. 871, 10 U. S. C. 1407, 1408).)

(2) (i) The term "duty of great responsibility" means duty of such a character that exceptionally meritorious service therein has contributed in high degree to the success of a major command, installation, or project.

(ii) The performance of the duty must be such as to merit recognition by the service as clearly exceptional. A superior performance of the normal duties of a position will not alone justify the award.

(iii) The accomplishment of the duty for which the award is recommended should have been completed, or it should have progressed to an exceptional degree if the person rendering the service has been transferred to other duties prior to its full accomplishment.

(3) The Distinguished-Service Medal will be awarded to personnel of foreign nations only under exceptional circumstances.

(4) *Description:* The coat of arms of the United States in bronze surrounded by a circle of dark blue enamel $1\frac{1}{2}$ inches in diameter, bearing the inscription "For Distinguished Service MCMXXVIII." On the reverse is a scroll for the name of the recipient (which is to be engraved) upon a trophy of flags and weapons. The medal is suspended by a bar from a watered silk ribbon $1\frac{3}{8}$ inches in length and $1\frac{1}{8}$ inches in width, composed of a band of scarlet ($\frac{5}{16}$ inch) a stripe of dark blue ($\frac{1}{16}$ inch), a band of white ($\frac{5}{8}$ inch) a stripe of dark blue ($\frac{1}{16}$ inch) and a band of scarlet ($\frac{5}{16}$ inch).

(d) *Legion of Merit—(1) United States armed forces.* (i) The Legion of Merit, without degree, is awarded to members of the armed forces of the United States who, while serving in any capacity with the Army, distinguish themselves by exceptionally meritorious conduct in the performance of outstanding services. See sec. 2, act July 20, 1942 (56 Stat. 662; 10 U. S. C. 1408b) and E. O. 9260, October 29, 1942.

(ii) The provisions of paragraph (c) (2) (i) and (ii) of this section apply to the Legion of Merit. It is particularly desired that recognition be given personnel in the enlisted and lower commissioned grades whose services meet the standards prescribed.

(iii) A five-pointed American white star of heraldic form bordered in purplish red enamel $1\frac{1}{8}$ inches circumscribing diameter with 13 white stars on a blue field emerging from a circle of clouds; backing the star a laurel wreath with modeled crossed arrows pointing outward between each arm of the star and the wreath. On the bronze reverse is a disk (which is to be engraved with the name of the recipient) surrounded by the words "Annuit Coeptis" (He (God) has favored our undertakings) and "MDCCLXXXII," on the scroll the words "United States of America." The pendant is suspended by a silk ribbon $1\frac{3}{8}$ inches in length and $1\frac{1}{8}$ inches in width, composed of a band of purplish red ($1\frac{1}{4}$ inches), with edges of white ($\frac{1}{16}$ inch).

(2) *Armed forces of foreign nations.* (i) The Legion of Merit, in four degrees, is awarded to members of the armed forces of friendly foreign nations who distinguish themselves by exceptionally meritorious conduct in the performance of outstanding services. The degrees are:

- (a) Chief Commander.
- (b) Commander.
- (c) Officer.
- (d) Legionnaire.

(ii) The degrees of Chief Commander and Commander are awards comparable to those for which the Distinguished-Service Medal is awarded to members of the United States armed forces, and the degrees of Officer and Legionnaire are for services comparable to those for which the Legion of Merit would be awarded in our forces. A subsequent award in a lesser degree is not authorized. Paragraph (c) (2) (i), (ii) and

(iii) of this section applies to the degrees of Chief Commander and Commander. Paragraph (c) (2) (ii) and (iii) of this section applies to the degrees of Officer and Legionnaire.

(iii) Description: (a) Chief Commander. A domed five-pointed American white star plaque of heraldic form bordered in purplish red enamel $2\frac{1}{16}$ inches circumscribing diameter with 13 white stars on a blue field emerging from a circle of clouds; backing the star a laurel wreath with pierced crossed arrows pointing outward between each arm of the star and the wreath. The reverse is engraved with the words "United States of America" and the name of the recipient.

(b) Commander. A five-pointed American white star of heraldic form bordered in purplish red enamel $2\frac{1}{4}$ inches circumscribing diameter with 13 white stars on a blue field emerging from a circle of clouds, backing the star a laurel wreath with pierced crossed arrows pointing outward between each arm of the star and the wreath. A bronze wreath connects an oval suspension ring to neck ribbon. The reverse of the five-pointed star is enameled in white, bordered in purplish red enamel, in the center of a disk (which is to be engraved with the name of the recipient) surrounded by the words "Annuit Coepit" and "MDCCLXXXII," on the scroll the words "United States of America." The neck ribbon is $2\frac{1}{4}$ inches in length, $1\frac{1}{16}$ inches in width composed of a band of purplish red ($1\frac{1}{16}$ inches) with edges of white ($\frac{1}{16}$ inch).

(c) Officer: Same as subparagraph (1) (iii) of this paragraph with the addition of an all-bronze device of same design as the pendant, $\frac{3}{4}$ inch in diameter, on the center of suspension ribbon.

(d) Legionnaire: Same as subparagraph (1) (iii) of this paragraph.

(e) Silver Star. (1) The Silver Star is awarded to persons who, while serving in any capacity with the Army, distinguished themselves by gallantry in action not warranting the award of a Medal of Honor or Distinguished-Service Cross. See act 15 December 1942 (56 Stat. 1052; 10 U. S. C., Sup., 1412).

(2) Those individuals who, prior to December 7, 1941, have been cited for gallantry in action in orders issued by the headquarters of a force commanded by a general officer, may make application for the Silver Star to The Adjutant General, Washington 25, D. C.

(3) Description: A bronze star $1\frac{1}{2}$ inches in circumscribing diameter. In the center thereof is a $\frac{3}{16}$ inch diameter raised silver star, the center lines of all rays of both stars coinciding. The reverse has the inscription "For gallantry in action" and a space for the name of the recipient (which is to be engraved). The star is suspended by a rectangular-shaped metal loop with corners rounded from a silk moire ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width, composed of stripes of blue ($\frac{3}{32}$ inch) white ($\frac{3}{64}$ inch) blue ($\frac{7}{32}$ inch) white ($\frac{3}{64}$ inch), and blue ($\frac{3}{32}$ inch).

(f) Distinguished-Flying Cross. (1) The Distinguished-Flying Cross is awarded to members of the armed forces who, while serving in any capacity with

the Army Air Forces, distinguish themselves by heroism or extraordinary achievement while participating in aerial flight. See act 2 July 1926 (44 Stat. 789, 10 U. S. C. 1429) and E. O. 4601, 1 March 1927.

(2) In order to justify an award of the Distinguished Flying Cross for heroism, the heroism must be evidenced by voluntary action in the face of great danger above and beyond the line of duty while participating in aerial flight.

(3) To warrant an award of the Distinguished Flying Cross for extraordinary achievement while participating in aerial flight, the results accomplished must be so exceptional and outstanding as clearly to set him apart from his comrades who have not been so recognized.

(4) On a bronze $1\frac{1}{2}$ inch cross patee a four-bladed propeller $1\frac{1}{16}$ inches across blades; in the reentrant angles, rays forming a 1 inch square. On the reverse is engraved the name of the recipient. The cross is suspended by a plain straight link from a silk moire ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width, composed of stripes of blue ($\frac{1}{8}$ inch) white ($\frac{1}{8}$ inch) blue ($\frac{1}{32}$ inch) white ($\frac{1}{32}$ inch) red ($\frac{1}{32}$ inch) white ($\frac{1}{32}$ inch), blue ($\frac{1}{32}$ inch) white ($\frac{1}{8}$ inch) and blue ($\frac{1}{32}$ inch).

NOTE: Executive Order 9615, (3 CFR, 1945 Supp.), provides in part as follows:

The time limitations imposed by the first sentence of paragraph 8 of Executive Order No. 4601 of March 1, 1927, prescribing rules and regulations pertaining to the award of the Distinguished Flying Cross, shall not apply to any case in which (1) the act or achievement justifying the award is performed during the period commencing December 7, 1941, and ending with the date of the termination of hostilities in the present war, and (2) the recommendation of an award for such act or achievement is initiated within six months after the latter date. The term "date of the termination of hostilities in the present war" means the date proclaimed by the President as the date of such termination.

(g) Soldier's Medal. (1) The Soldier's Medal is awarded to members of the armed forces who, while serving in any capacity with the Army, distinguish themselves by heroism not involving actual conflict with the enemy and not in aerial flight. See sec. 11, act July 2, 1926 (44 Stat. 789; 10 U. S. C. 1428).

(2) The Soldier's Medal may be awarded to an individual for performance of an act or acts of heroism involving voluntary risk of life under conditions other than those of conflict with an enemy and while not in aerial flight. The same degree of heroism is required as for the Distinguished-Flying Cross.

(3) Description: On a $1\frac{3}{8}$ inch bronze octagon and eagle displayed, standing on a fasces, between two groups of stars of six and seven, above the group of six a spray of leaves. On the reverse is a shield paly of 13 pieces on the chief, the letters "U. S." supported by sprays of laurel and oak, around the upper edge the inscription "Soldier's Medal" and across the face the words "For Valor." In the base is a panel for the name of the recipient (which is to be engraved). The medal is suspended by a rectangular-shaped metal loop with corners rounded from a silk moire ribbon $1\frac{3}{8}$ inches in

length and $1\frac{3}{8}$ inches in width composed of two outside stripes of blue $\frac{3}{8}$ inch in width, the center containing 13 white and red stripes of equal width (7 white and 6 red).

(h) Purple Heart. (1) The Purple Heart, established by General George Washington at Newburgh, August 7, 1782, during the Revolutionary War, is awarded to members of the armed forces of the United States and to civilian citizens of the United States, who, while serving with the Army, are wounded in action against an enemy of the United States, or as a direct result of an act of such enemy, provided the wound necessitates treatment by a medical officer.

(2) A wound is defined as an injury to any part of the body from an outside force, element, or agent sustained as the result of a hostile act of the enemy or while in action in the face of the enemy. One award is authorized for each such wound, except that only one award is authorized for two or more wounds received at the same instant. The word "element" refers to weather and permits award to personnel severely frostbitten while actually engaged in combat. Trench foot will not be considered as meriting award. The phrase "at the same instant" prohibits duplicate awards of the Purple Heart for two or more injuries or wounds received from one missile, force, explosion, or agent.

(3) Description: On a purple enameled heart within a bronze border, a profile head in relief of General George Washington in military uniform. Above the enameled heart is the shield of Washington's coat of arms between two sprays of leaves in green enamel. On the reverse below the shield and leaves without enamel, is a raised bronze heart with the inscription, "For Military Merit," with a space for the name of the recipient (which is to be engraved). The entire device is $1\frac{1}{16}$ inches in length. The medal is suspended by a rectangular-shaped metal loop with corners rounded from a silk moire ribbon $1\frac{3}{8}$ inches in width and $1\frac{3}{8}$ inches in length, consisting of a purple (pansy) center with $\frac{1}{8}$ -inch white edges.

(4) Those individuals who, as members of the Army of the United States, prior to December 7, 1941, were awarded a meritorious services citation certificate in World War I, or were authorized to wear a wound chevron, may make application to The Adjutant General, Washington 25, D. C., for award of the Purple Heart in lieu of the meritorious service citation certificate or wound chevron.

(5) Those individuals who, as members of the Army of the United States, prior to December 7, 1941, received wounds in action and whose treatment therefor was made a matter of official record during the period of hostilities or within 6 months thereafter, may make application to The Adjutant General, Washington 25, D. C., for award of the Purple Heart on the basis of such official record.

(6) These individuals who, as members of the armed forces of the United States or as civilian citizens of the United States on or after December 7, 1941, received wounds in action and whose treat-

ment therefor was made a matter of official record during the period of hostilities or within 6 months thereafter, may make application to The Adjutant General, Washington 25, D. C., for award of the Purple Heart on the basis of such official record.

(i) *Air Medal.* (1) The Air Medal is awarded to persons who, while serving in any capacity in or with the Army, distinguished themselves by meritorious achievement while participating in an aerial flight. See E. O. 9158, May 11, 1942, and E. O. 9242-A, September 11, 1942.

(2) The required achievement to warrant award of the Air Medal is less than that for the Distinguished-Flying Cross, but must nevertheless be accomplished with distinction above and beyond that normally expected. The Air Medal may be awarded to recognize single actions of merit or sustained operational activities against the enemy:

(3) *Description.* A bronze compass rose $1\frac{1}{16}$ inches circumscribing diameter suspended by the pointer and charged with an eagle volant carrying two lightning flashes in its talons. The points of the compass rose on the reverse are modeled with the central portion plain for the name of the recipient (which is to be engraved). The medal is suspended from a moire silk ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width, composed of a band of ultramarine blue ($\frac{1}{8}$ inch) a band of golden orange ($\frac{1}{4}$ inch) a band of ultramarine blue ($\frac{5}{8}$ inch) a band of golden orange ($\frac{1}{4}$ inch) and a band of ultramarine blue ($\frac{1}{8}$ inch) by a ring engaging the pointer.

(j) *Oak-Leaf Cluster.*—(1) *Award.* No military decoration will be awarded more than once to any one person, but for each succeeding act of heroism, meritorious achievement, or period of meritorious service justifying an award, a bronze Oak-Leaf Cluster will be awarded in lieu. A silver Oak-Leaf Cluster may be worn in lieu of five bronze Oak-Leaf Clusters.

(2) *Description.* A bronze or silver twig of four oak leaves with three acorns on the stem $\frac{13}{32}$ inch in length for the suspension ribbon and $\frac{5}{16}$ inch in length for the service ribbon.

(3) *Replacement.* The provisions of subparagraph (1) of this paragraph do not preclude the issuance of a duplicate decoration or a replacement to the next of kin or to the person to whom it was awarded whenever the decoration previously presented has been lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was awarded (see § 578.7).

(k) *Bronze Star Medal.*—(1) *Heroism.* (i) The Bronze Star Medal is awarded to persons who, while serving in any capacity with the Army, on or after December 7, 1941, distinguish themselves by heroism in combat against the armed enemy, in operations not involving participation in aerial flight. See E. O. 9419, February 4, 1944 (3 CFR, 1944 Supp.)

(ii) The Bronze Star Medal may be awarded to recognize minor acts of heroism in actual ground combat against the enemy where the award of a Silver Star is not warranted.

(2) *Meritorious achievement or meritorious service.* (i) The Bronze Star Medal is awarded to members of the armed forces who, while serving in any capacity with the Army, on or after December 7, 1941, distinguish themselves by meritorious achievement or meritorious service, not involving participation in aerial flight, in connection with military operations against an enemy of the United States. See E. O. 9419, February 4, 1944 (3 CFR, 1944 Supp.)

(ii) The required meritorious achievement or meritorious service for award of the Bronze Star Medal is less than that required for the Legion of Merit, but must nevertheless be accomplished with distinction. The Bronze Star Medal may be awarded to recognize meritorious service or single acts of merit.

(3) *Description.* (i) A bronze star $1\frac{1}{2}$ inches in circumscribing diameter. In the center thereof is a $\frac{3}{16}$ inch diameter raised bronze star, the center line of all rays of both stars coinciding. The reverse has the inscription "Heroic or meritorious achievement" and a space for the name of the recipient (which is to be engraved). The star is suspended by a rectangular-shaped metal loop with corners rounded from a silk moire ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width composed of stripes of white ($\frac{3}{32}$ inch), red ($\frac{1}{16}$ inch) white ($\frac{3}{32}$ inch) blue ($\frac{1}{8}$ inch) white ($\frac{3}{32}$ inch), red ($\frac{1}{16}$ inch), and white ($\frac{3}{32}$ inch).

(ii) Letter "V" device: A bronze block letter "V" $\frac{1}{4}$ of an inch in height, with serifs at the top of the members.

(4) *Letter "V" device.* The letter "V" device is authorized for wear on the suspension ribbon and the service ribbon of the Bronze Star Medal to indicate that an award was made for heroism (valor) rather than for meritorious achievement or meritorious service. Only one letter "V" will be worn. All additional awards whether for heroism, meritorious achievement, or meritorious service will be designated by Oak-Leaf Clusters. All orders awarding the Bronze Star Medal will specifically state whether the award was for heroism, meritorious achievement, or meritorious service.

(5) *Application on basis of citation.* Those individuals who, as members of the armed forces of the United States, were cited by name on or after December 7, 1941, and prior to September 3, 1945, in orders or in a formal certificate, for meritorious or exemplary conduct in ground combat against the armed enemy, may make application to The Adjutant General, Washington 25, D. C., for award of the Bronze Star Medal on the basis of such citation. A citation in orders for the Combat Infantryman Badge or Medical Badge awarded in the field during the period of actual combat against the armed enemy is considered as a citation for exemplary conduct in ground combat. These citations in orders during the period December 7, 1941, through September 2, 1945, were not automatic, but were based upon recommendations of unit commanders thoroughly familiar with the achievement of the individuals cited and after a careful evaluation of their work.

(l) *Commendation Ribbon.* (1) The Commendation Ribbon is awarded to

members of the armed forces who, while serving in any capacity with the Army, on or after December 7, 1941, distinguished themselves by meritorious achievement or meritorious service.

(2) The meritorious achievement or meritorious service required is less exceptional than that required for the Legion of Merit but nevertheless must be accomplished with distinction. Exactly the same degree of meritorious achievement or meritorious service is required as that for which the Bronze Star Medal and/or the Air Medal are awarded. The Commendation Ribbon may be awarded when the operational requirements for award of the Bronze Star Medal or the Air Medal are not fully met. It is particularly desired that the Commendation Ribbon be awarded to outstanding company-grade officers, warrant officers, and enlisted men whose achievement or service meets the standards required. Commendation Ribbon will not be awarded for the same period of service or achievement for which the Bronze Star Medal or Air Medal has been awarded.

(3) Those individuals who, as members of the armed forces of the United States, were commended on or after December 7, 1941 and prior to January 1, 1946 in a letter of commendation or certificate of commendation by a major general, or officer occupying the position vacancy of a major general, for meritorious achievement or meritorious service, may apply for award of the Commendation Ribbon on the basis of such commendation. Applications for Commendation Ribbons based on service with the Army (except Army Air Forces) will be sent to The Adjutant General, Washington 25, D. C., and applications based on service with the Army Air Forces will be sent to the Chief of Staff, United States Air Force, Attention: Awards Branch, Washington 25, D. C.

§ 578.3 *Character of service subsequent to distinguished conduct.* No decoration shall be awarded or presented to any individual whose entire service subsequent to the time he distinguished himself shall not have been honorable. See act 9 July 1918 (40 Stat. 872; 10 U. S. C. 1409). See also sec. 12, act July 2, 1926 (44 Stat. 789; 10 U. S. C. 1429).

§ 578.4 *Time limits.* (a) Except as prescribed in paragraph (b) of this section or when the decoration is to be awarded on the basis of an existing letter, certificate, or citation in orders (see paragraph (e) (2), (h) (4) (h) (5), (h) (6) (k) (5) and (m) (4) of § 578.2), no military decoration will be awarded to any person after more than 3 years from the date of the heroism, meritorious achievement or meritorious service justifying an award, nor unless the recommendation was submitted through military channels within 2 years from the date of the heroism, meritorious achievement, or meritorious service.

(b) As an exception, military decorations may be awarded when the heroism, meritorious achievement, or meritorious service justifying the award was performed between December 7, 1941 and December 31, 1946, both dates inclusive, providing a recommendation is submit-

ted through official channels prior to July 1, 1947.

§ 578.5 *Posthumous awards.* In case an individual who distinguishes himself shall have died before the making of the award to which he may be entitled, the award may nevertheless be made and the decoration or other device presented to the first of the following representatives as shown by the records of the Department of the Army: Widow or widower, eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild.

§ 578.6 *Cost of engraving.* The cost of engraving any decoration, either original or replacement, will be borne by the Department of the Army. An authorized replacement will be engraved the same as the original.

§ 578.7 *Replacement.* Whenever a decoration and/or appurtenance is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was awarded, it will be replaced without charge upon application to The Adjutant General, Washington 25, D. C.

§ 578.8 *Exhibition purposes.* Upon approval by the Secretary of the Army, samples of decorations awarded by the Department of the Army will be furnished at cost prices, plus transportation and packing charges (except to the Department of the Army or a governmental agency) to museums, libraries, historical, numismatic, and military societies, or institutions of such a public nature as will insure an opportunity to the public to view the exhibits. Except for a Department of the Army or governmental agency exhibit, all sample decorations so furnished will be engraved at the expense of the purchaser with the words "for exhibition purposes only."

§ 578.10 *Medal for Merit—(a) General.* The Medal for Merit is awarded to such civilians of the nations prosecuting the war under the joint declaration of the United Nations and of other friendly foreign nations as have, since the proclamation of an emergency by the President on September 8, 1939, distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services; *Provided*, That awards to civilians of foreign nations shall be only for the performance of an exceptionally meritorious or courageous act or acts in furtherance of the war efforts of the United Nations. See act July 20, 1942 (56 Stat. 662; 10 U. S. C., Sup., 1408b)

(b) *Recommendations.* (1) Recommendations may be submitted by any individual having personal knowledge of the facts, either as an eyewitness or from the testimony of others who have personal knowledge or were eyewitnesses.

(2) Each case will be submitted separately and will show the exact status of the person who is being recommended, with respect to citizenship, employment, and all other material factors at the time of the rendition of the service on which the recommendation is based. Testimony will be in the form of written statements supported by affidavits.

(c) *Authority to issue and manner of presentation.* The President of the United States has sole authority to make an award of the Medal for Merit and the presentation thereof shall be made by him or at his direction.

(d) *Succeeding awards.* No more than one Medal for Merit shall be awarded to any one person; but for each succeeding service, or act or acts, to justify an award of the Medal for Merit, a bronze Oak-Leaf Cluster will be awarded in lieu thereof.

§ 578.11 *Medal of Freedom—(a) Citizens and habitual residents of the United States.* (1) The Medal of Freedom without degree, is awarded to citizens or habitual residents of the United States not in the armed forces who, on or after December 7, 1941, distinguish themselves by meritorious achievement or meritorious service to the United States in the prosecution of the war against an enemy. (See E. O. 9586, July 6, 1945; 3 CFR, 1945 Supp.)

(2) The Medal of Freedom will not be awarded to any citizen or habitual resident of the United States for any meritorious achievement or meritorious service performed within the continental limits of the United States. The degree of meritorious achievement or meritorious service required is the same as that for which the Bronze Star Medal is awarded to members of the armed forces.

(b) *Citizens of foreign nations.* (1) The Medal of Freedom, in four degrees, is awarded to persons, not citizens or habitual residents of the United States nor members of the armed forces, who distinguish themselves by meritorious achievement or meritorious service which has aided the United States in the prosecution of the war against the enemy.

(2) The degree of the Medal of Freedom and corresponding degrees of the Legion of Merit are:

<i>Medal of Freedom</i>	<i>Legion of Merit</i>
(I) Gold palm	Chief Commander.
(II) Silver palm	Commander.
(III) Bronze palm	Officer and Legionnaire.

(3) The Medal of Freedom without palm is equivalent to the Bronze Star Medal awarded members of the armed forces.

(c) *Description.* (1) The medal of bronze is 1½ inches in diameter. On the obverse is the head, shoulders, and head-dress of freedom (taken from the statue on the top of the United States Capitol dome). In the lower portion in an arc is the inscription "Freedom." On the reverse is the "Liberty Bell" without carriage, within a circle composed of the words "United States of America." The medal is suspended by a ring from a silk moire ribbon 1½ inches in length and 1¾ inches in width composed of red (⅜ inch), white (⅜ inch), red (⅜ inch), white (⅜ inch), red (⅜ inch), white (⅜ inch) and red (⅜ inch)

(2) Palm: A gold, silver, or bronze palm 1½ inches in length.

(d) *Time limits.* See § 578.4.

(e) *Additional awards.* No more than one Medal of Freedom will be awarded to any one person. For each additional meritorious achievement or meritorious

service warranting an additional award to a citizen or habitual resident of the United States, an Oak-Leaf Cluster will be awarded in lieu. For each additional meritorious achievement or meritorious service warranting an additional award to a citizen of a foreign nation, the Medal of Freedom in higher degree will be awarded in lieu. A subsequent award in a lesser degree is not authorized.

SERVICE MEDALS

AUTHORITY: §§ 578.25 to 578.55, issued under 34 Stat. 621, 40 Stat. 873, 45 Stat. 599, 47 Stat. 153, 871, 59 Stat. 451; 10 U. S. C. 1413, 1413a, 1415a, 1415b, 1416, 1439c; E. O. 8303, June 23, 1941, E. O. 8303, June 23, 1941, as amended by E. O. 9323, March 31, 1943, 3 CFR.

DERIVATION: AR 600-65, Dec. 29, 1945.

§ 578.26 *Service medals; general—(a) Purpose.* The following service medals are awarded to members of the active military service of the United States for performance of specified duty, usually during war or periods of national emergency:

- (1) Good Conduct Medal.
- (2) Civil War Campaign Medal.
- (3) Indian Campaign Medal.
- (4) Spanish Campaign Medal.
- (5) Spanish War Service Medal.
- (6) Army of Cuban Occupation Medal.
- (7) Army of Puerto Rican Occupation Medal.
- (8) Philippine Campaign Medal.
- (9) Philippine Congressional Medal.
- (10) China Campaign Medal.
- (11) Army of Cuban Pacification Medal.
- (12) Mexican Service Medal.
- (13) Mexican Border Service Medal.
- (14) World War I Victory Medal.
- (15) Army of Occupation of Germany Medal.
- (16) American Defense Service Medal.
- (17) Women's Army Corps Service Medal.
- (18) American Campaign Medal.
- (19) Asiatic-Pacific Campaign Medal.
- (20) European-African-Middle Eastern Campaign Medal.
- (21) World War II Victory Medal.
- (22) Army of Occupation Medal.

(b) *Character of service required.* Service medals are awarded for honorable active Federal military service only. No service medal will be awarded to any individual who has been dismissed, dishonorably discharged, or deserted subsequent to performance of the specified duty.

(c) *Application.* (1) A member of the Army or the Air Force who is entitled to a service medal for service in the Army (less Air Corps and Army Air Forces) may make application to his immediate commanding officer. The commanding officer will forward the application by indorsement direct to The Adjutant General, Washington 25, D. C., stating whether the individual's records, including discharge certificate or certificate of service, substantiate the claim.

(2) A former member of the Army who is entitled to a service medal for service in the Army (less Air Corps and Army Air Forces) may make application to The Adjutant General, Washington 25, D. C., inclosing a certified or photostatic

copy of his discharge certificate or certificate of service.

(3) Service medals will be awarded posthumously to the next of kin in the following order: widow or widower, eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild. The next of kin of an individual entitled to a service medal for service in the Army (less Air Corps and Army Air Forces) may make application to The Adjutant General, Washington 25, D. C., inclosing a certified or photostatic copy of the individual's discharge certificate or certificate of service, if available. The next-of-kin of any individual entitled to a service medal for service in the Air Corps (Army) Army Air Forces, or United States Air Force, may make application to the Chief of Staff, United States Air Force, Washington 25, D. C., Attention: Awards Branch, inclosing certified or photostatic copy of the individual's discharge certificate, or certificate of service, if available.

(4) An individual who is entitled to a service medal for service with the Navy, Marine Corps, or Coast Guard must apply direct to the Chief of Naval Personnel, Navy Department; the Commandant, United States Marine Corps, or the Commandant, United States Coast Guard.

(d) *Supply.* When an application for a service medal has been approved by the Secretary of the Army or the Secretary of the Air Force, the Commanding Officer, Philadelphia Quartermaster Depot, Philadelphia, Pennsylvania, will issue the medal and appurtenances as follows:

(1) *For persons in the Army or the Air Force.* To immediate commanding officers for distribution to those under their command.

(2) *For others.* Directly to them.

(e) *Record.* Eligibility for and/or award of service medals and clasps, service stars, and arrowheads will be noted in Service Records of enlisted men, on qualification cards, on discharge certificates, and on certificates of service and on certificates of retirement.

(f) *Replacement.* Whenever a service medal and/or appurtenance is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom awarded, it will be replaced without charge to military personnel on active duty, and for others at cost price.

(g) *Exhibitions.* Samples of service medals, clasps, service stars, and arrowheads may be furnished at cost price, plus transportation and packing charges, to museums, libraries, military societies, or other institutions of a public character for exhibition purposes. The sample service medals will be engraved at the expense of the purchaser with the words "For exhibition purposes only."

§ 578.27 *Good Conduct Medal.* Established by Executive Order 8809, June 28, 1941, 3 CFR, 1943 Cum. Supp.

(a) *Description.* The medal of bronze is 1½ inches in diameter. On the obverse is an eagle with wings displayed and inverted standing on a closed book and Roman sword, encircled by the words "Efficiency—Honor—Fidelity." On the reverse is a five-pointed star and a scroll between the words "For Good" and "Con-

duct," the whole surrounded by a wreath formed by a laurel branch on the left and an oak branch on the right. The medal is suspended by a ring from a silk moire ribbon 1¾ inches in length and 1¾ inches in width composed of a red stripe (¼ inch) white stripe (¼ inch) red stripe (¼ inch) white stripe (¼ inch) red stripe (¼ inch) white stripe (¼ inch) red band (⅝ inch) white stripe (¼ inch) red stripe (¼ inch) white stripe (¼ inch) red stripe (¼ inch), white stripe (¼ inch) and red stripe (¼ inch).

(b) *Requirements.* Exemplary behavior, efficiency, and fidelity in an enlisted status for a period of three continuous years completed after August 26, 1940, or a period of one continuous year between December 7, 1941, and March 2, 1946. Service in commissioned or warrant ranks (except in Regular Army or Regular Air Force) although precluded in counting total service, is not considered as an interruption of continuous service. During the period of service, the following entries on the Service Record (WD AGO Form 24 or 24A) are required:

(1) All character ratings "excellent," except that a rating "unknown" during part of the period is not disqualifying.

(2) All efficiency ratings "excellent" or "superior," except that a rating "unknown" during part of the period is not disqualifying.

(3) No conviction by court-martial.

(c) *Clasp.*—(1) *Description.* The clasp is a bronze bar ½ inch in width and 1¾ inches in length with loops, one loop for each additional period of required service.

(2) *Requirements.* For each loop on the clasp, a period of three continuous years of service in addition to and under same conditions as paragraph (b) of this section.

§ 578.28 *Civil War Campaign Medal.* Established by WD General Orders 12, 1907.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is the head of Lincoln, nearly in profile, facing sinister, surrounded by the words "With malice toward none, with charity for all." On the reverse are the words "The Civil War," and below thus the dates "1861-1865," surrounded by a wreath formed by a branch of oak on the left and a branch of olive on the right, the stems joined at the bottom by a conventional knot. The medal is suspended by a ring from a silk moire ribbon 1¾ inches in length and 1¾ inches in width composed of a blue band (1¼ inch) and a gray band (1¼ inch).

(b) *Requirements.* Service between April 15, 1861, and April 9, 1865, or in Texas between April 15, 1861 and August 20, 1866.

§ 578.29 *Indian Campaign Medal.* Established by WD General Orders 12, 1907.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is a mounted Indian facing sinister, wearing a war bonnet, and carrying a spear in his right hand. Above the horseman are the words "Indian Wars," and below, on either side of a buffalo skull, the circle is completed

by arrowheads, conventionally arranged. On the reverse is a trophy, composed of an eagle perched on a cannon supported by crossed flags, rifles, an Indian shield, spear, and quiver of arrows, a Cuban machete, and a Sulu kriss. Below the trophy are the words "For Service." The whole is surrounded by a circle composed of the words "United States Army" in the upper half and thirteen stars in the lower half. The medal is suspended by a ring from a silk moire ribbon 1¾ inches in length and 1¾ inches in width composed of a red stripe (¼ inch) black stripe (¼ inch) red band (½ inch), black stripe (¼ inch) and red stripe (¼ inch).

(b) *Requirements.* Service in any of the following campaigns

(1) Southern Oregon, Idaho, northern California, and Nevada between 1865 and 1868.

(2) Against the Comanches and confederate tribes in Kansas, Colorado, Texas, New Mexico, and Indian Territory between 1867 and 1875.

(3) Modoc War between 1872 and 1873.

(4) Against the Apaches in Arizona 1873.

(5) Against the Northern Cheyennes and Sioux between 1876 and 1877.

(6) Nez Perce War in 1877.

(7) Bannock War in 1878.

(8) Against the Northern Cheyennes between 1878 and 1879.

(9) Against the Sheep-Eaters, Plutes, and Bannocks between June and October, 1879.

(10) Against the Utes in Colorado and Utah between September, 1879 and November, 1880.

(11) Against the Apaches in Arizona and New Mexico between 1885 and 1886.

(12) Against the Sioux in South Dakota between November 1890 and January 1891.

(13) Against hostile Indians in any other action in which United States troops were killed or wounded between 1865 and 1891.

§ 578.30 *Spanish Campaign Medal.* Established by WD General Orders 5, 1905.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is a conventional castle with the addition of two round-corner towers within a circle composed of the words "War with Spain" in the upper half and in the lower half the date "1898" at the bottom, with a branch of the tobacco plant on the left and a stalk of sugarcane on the right. The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a ring from a silk moire ribbon 1¾ inches in length and 1¾ inches in width composed of a yellow stripe (½ inch) blue band (⅜ inch), a yellow band (⅜ inch) blue band (⅜ inch), and yellow stripe (½ inch).

(b) *Requirements.* Service ashore in or on the high seas en route to any of the following countries:

(1) Cuba between May 11, 1898, and July 17, 1898.

(2) Puerto Rico between July 24, 1898, and August 13, 1898.

(3) Philippine Islands between June 30, 1898, and August 16, 1898.

§ 578.31 *Spanish War Service Medal*. Established by act of Congress July 9, 1918.

(a) *Description*. The medal of bronze is $1\frac{1}{4}$ inches in diameter. On the obverse is a sheathed Roman sword hanging on a tablet on which is inscribed "For service in the Spanish War." The tablet is surrounded by a wreath. On the reverse is the coat of arms of the United States with a scroll below, all surrounded by a wreath displaying the insignia of the Infantry, Artillery, and Cavalry. The medal is suspended by a ring from a silk moire ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width composed of a green stripe ($\frac{1}{8}$ inch) yellow stripe ($\frac{1}{4}$ inch) green band ($\frac{3}{8}$ inch) yellow stripe ($\frac{1}{4}$ inch) and green stripe ($\frac{1}{8}$ inch).

(b) *Requirements*. Service between April 20, 1898, and April 11, 1899, by persons not eligible for the Spanish Campaign Medal.

§ 578.32 *Army of Cuban Occupation Medal*. Established by WD General Orders 40, 1915.

(a) *Description*. The medal of bronze is $1\frac{1}{4}$ inches in diameter. On the obverse is the coat of arms of the Cuban Republic, with wreath and fasces. Around the circumference are the words "Army of Occupation, Military Government of Cuba," and above the shield the dates "1898" and "1902." The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a ring from a silk moire ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width composed of a blue stripe ($\frac{1}{16}$ inch) red band ($\frac{3}{8}$ inch) yellow stripe ($\frac{1}{16}$ inch) blue band ($\frac{3}{8}$ inch) yellow stripe ($\frac{1}{16}$ inch) red band ($\frac{3}{8}$ inch) and blue stripe ($\frac{1}{16}$ inch).

(b) *Requirements*. Service in Cuba between July 18, 1898, and May 20, 1902.

§ 578.33 *Army of Puerto Rican Occupation Medal*. Established by WD Compilation of Orders, Changes 15, February 4, 1919.

(a) *Description*. The medal of bronze is $1\frac{1}{4}$ inches in diameter. On the obverse is a conventional castle with the addition of two round-corner towers within a circle composed of the words "Army of Occupation, Porto Rico" in the upper half and in the lower half the date "1898" at the bottom, with a branch of the tobacco plant on the left and a stalk of sugarcane on the right. The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a ring from a silk moire ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width composed of a red stripe ($\frac{1}{16}$ inch) blue band ($\frac{3}{8}$ inch) yellow stripe ($\frac{1}{16}$ inch) red band ($\frac{3}{8}$ inch) yellow stripe ($\frac{1}{16}$ inch) blue band ($\frac{3}{8}$ inch), and red stripe ($\frac{1}{16}$ inch).

(b) *Requirements*. Service in Puerto Rico between August 14, 1898, and December 10, 1898.

§ 578.34 *Philippine Campaign Medal*. Established by WD General Orders 5, 1905.

(a) *Description*. The medal of bronze is $1\frac{1}{4}$ inches in diameter. On the obverse is a conventional coconut-palm tree. On the left of it is a lamp of knowledge and on the right the scales of justice.

The whole is in a circle composed of the words "Philippine Insurrection," and the date "1899" at the bottom. The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a ring from a silk moire ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width composed of a blue stripe ($\frac{1}{16}$ inch) red band ($\frac{3}{8}$ inch) blue band ($\frac{3}{8}$ inch) red band ($\frac{3}{8}$ inch) and blue stripe ($\frac{1}{16}$ inch).

(b) *Requirements*. Service in the Philippine Islands under any of the following conditions:

(1) Ashore between February 4, 1899, and July 4, 1902.

(2) Ashore in the Department of Mindanao between February 4, 1899, and December 31, 1904.

(3) In operations against the Pulajanes on Leyte between July 20, 1906, and July 30, 1907, or on Samar between August 2, 1904, and June 30, 1907.

(4) With any of the following expeditions:

(i) Against Pala on Jolo between April and May 1905.

(ii) Against Datu Ali on Mindanao in October 1905.

(iii) Against hostile Moros on Mount Bud-Dajo, Jolo, March 1906.

(iv) Against hostile Moros on Mount Bagsac, Jolo, between January and July, 1913.

(v) Against hostile Moros on Mindanao or Jolo between 1910 and 1913.

(5) In any other action against hostile natives in which United States troops were killed or wounded between February 4, 1899, and December 31, 1913.

§ 578.35 *Philippine Congressional Medal*. Established by act of Congress June 29, 1906.

(a) *Description*. The medal of bronze is $1\frac{1}{4}$ inches in diameter. On the obverse is a group composed of a color bearer holding a flag of the United States and supported by two men with rifles on their shoulders, the three facing dexter. The flag extends to the rim between the words "Philippine" and "Insurrection." Below the group is the date "1899." On the reverse are the words "For patriotism, fortitude, and loyalty" in a wreath composed of a branch of pine on the left and a branch of palm on the right, the stems joined by a conventional knot. The medal is suspended by a ring from a silk moire ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width composed of a blue stripe ($1/16$ inch) white stripe ($1/16$ inch), red stripe ($\frac{1}{8}$ inch) white stripe ($\frac{1}{8}$ inch) blue band ($\frac{3}{8}$ inch) white stripe ($\frac{1}{8}$ inch) red stripe ($\frac{1}{8}$ inch), white stripe ($1/16$ inch) and blue stripe ($1/16$ inch).

(b) *Requirements*. Service, meeting all the following conditions:

(1) Under a call of the President entered the Army between April 21 and October 26, 1898.

(2) Served beyond the date on which entitled to discharge.

(3) Ashore in the Philippine Islands between February 4, 1899, and July 4, 1902.

§ 578.36 *China Campaign Medal*. Established by WD General Orders 5, 1905.

(a) *Description*. The medal of bronze is $1\frac{1}{4}$ inches in diameter. On the obverse is the Imperial Chinese five-toed dragon with the head in full face in the middle, within a circle composed of the words "China Relief Expedition," with the dates "1900-1901" at the bottom. The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a ring from a silk moire ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width, composed of a blue stripe ($\frac{1}{16}$ inch) a yellow band ($1\frac{1}{4}$ inches) and a blue stripe ($\frac{1}{16}$ inch).

(b) *Requirements*. Service ashore in China with the Peking Relief expedition between June 20, 1900, and May 27, 1901.

§ 578.37 *Army of Cuban Pacification Medal*. Established by WD General Orders 96, 1909.

(a) *Description*. The medal of bronze is $1\frac{1}{4}$ inches in diameter. On the obverse is the coat of arms of the Cuban Republic with wreath and fasces, supported by two American soldiers with rifles, at parade rest. Above the group are the words "Cuban Pacification," below are the dates "1906-1909." The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a ring from a silk moire ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width composed of a red stripe ($\frac{1}{8}$ inch), white stripe ($\frac{1}{8}$ inch), blue stripe ($\frac{1}{8}$ inch) olive-drab band ($\frac{3}{8}$ inch) blue stripe ($\frac{1}{8}$ inch) white stripe ($\frac{1}{8}$ inch), and red stripe ($\frac{1}{8}$ inch).

(b) *Requirements*. Service in Cuba between October 6, 1906, and April 1, 1909.

§ 578.38 *Mexican Service Medal*. Established by WD General Orders 155, 1917.

(a) *Description*. The medal of bronze is $1\frac{1}{4}$ inches in diameter. On the obverse is the Mexican Yucca plant in flower, with mountains in the background. Above the yucca plant are the words "Mexican Service" in the upper half and in the lower half the dates "1911-1917" arranged in a circle. The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a ring from a silk moire ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width composed of a green stripe ($\frac{1}{8}$ inch) yellow band ($\frac{3}{8}$ inch) blue band ($\frac{3}{8}$ inch), yellow band ($\frac{3}{8}$ inch) and green stripe ($\frac{1}{8}$ inch).

(b) *Requirements*. Service in any of the following expeditions or engagements:

(1) With the Vera Cruz Expedition in Mexico between April 24, 1914, and November 26, 1914.

(2) With the Punitive Expedition in Mexico between March 14, 1916, and February 7, 1917.

(3) In the following engagements:

(i) Buena Vista, Mexico, December 1, 1917.

(ii) San Bernardino Canon, Mexico, December 26, 1917.

(iii) La Grulla, Texas, January 8 and 9, 1918.

(iv) Pillares, Mexico, March 28, 1918.

(v) Nogales, Arizona, August 27, 1918 or November 1 to 5, 1915.

(vi) El Paso, Texas, and Juarez, Mexico, June 15 and 16, 1919.

(vii) Any other action against hostile Mexicans in which United States troops were killed or wounded between April 12, 1911, and February 7, 1917.

§ 578.39 *Mexican Border Service Medal*. Established by act of Congress July 9, 1918.

(a) *Description*. The medal of bronze is $1\frac{1}{4}$ inches in diameter. On the obverse is a sheathed Roman sword hanging on a tablet on which is inscribed "For service on the Mexican border." The tablet is surrounded by a wreath. The reverse is the same as that of the Spanish War Service Medal. The medal is suspended by a ring from a silk moire ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width composed of a green band ($\frac{1}{16}$ inch) yellow band ($\frac{1}{2}$ inch), and green band ($\frac{1}{16}$ inch).

(b) *Requirements*. Service between May 9, 1916 and March 24, 1917, or with the Mexican Border Patrol between January 1, 1916, and April 6, 1917, by persons not eligible for the Mexican Service Medal.

§ 578.40 *World War I Victory Medal*. Established by WD General Orders 48, 1919.

(a) *Description*. The medal of bronze is 36 millimeters in diameter. On the obverse is a winged Victory standing full length and full face. On the reverse is the inscription "The Great War for Civilization" and the coat of arms of the United States surmounted by a fasces, and on either side the names of the Allied and Associated Nations. The medal is suspended by a ring from a silk moire ribbon $1\frac{3}{8}$ inches in length and 36 millimeters in width, composed of two rainbows placed in juxtaposition and having the red in the middle, with a white thread along each edge.

(b) *Requirements*. Service between April 6, 1917, and November 11, 1918, or with either of the following expeditions:

(1) American Expeditionary Forces in European Russia between November 12, 1918, and August 5, 1919.

(2) American Expeditionary Forces in Siberia between November 12, 1918, and April 1, 1920.

(c) *Clasp*. Two types of clasps are authorized.

(1) *Battle clasp*—(i) *Description*. The clasp is a bronze bar $\frac{1}{8}$ inch in width and $1\frac{1}{2}$ inches in length with the name of the campaign or the words "Defensive Sector," with a star at each end of the inscription. The bar is placed on the suspension ribbon of the medal.

(ii) *Requirements*. Combat service, one clasp for each campaign. The individual must have been actually present for duty under competent orders in the combat zone during the period in which the organization was engaged in combat. For service in an engagement not included in a named campaign, a defensive sector clasp will be awarded, not more than one clasp being awarded to any individual regardless of the number of such engagements.

(iii) *Service star*. Possession of a battle clasp and/or defensive sector clasp is denoted by bronze service stars worn on the service ribbon, one bronze service star for each clasp.

(2) *Service clasp*—(1) *Description*. The clasp is a bronze bar $\frac{1}{8}$ inch in width and $1\frac{1}{2}$ inches in length with the name of the country in which the service was performed. The bar is placed on the suspension ribbon of the medal.

(ii) *Requirements*. Service in France, Italy, Siberia, European Russia, or England, or as a member of a crew of a transport sailing between the United States and that country, by persons not eligible for a battle clasp. Only one service clasp will be awarded to any individual.

§ 578.41 *Army of Occupation of Germany Medal*. Established by act of November 21, 1941 (55 Stat. 781.)

(a) *Description*. The medal of bronze is $1\frac{1}{4}$ inches in diameter. On the obverse is a profile of General John J. Pershing, facing dexter in uniform of World War I. Around the upper edge are four, five-pointed stars, on the left the inscription "General John J. Pershing," and on the right an unsheathed sword point up within a laurel wreath with the years "1918" and "1923." On the reverse is an eagle with wings displayed and inverted standing on Castle Ehrenbreitstein within a circle composed of the words "U. S. Army of Occupation of Germany" and three, five-pointed stars. The medal is suspended by a ring from a silk moire ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width, composed of a blue stripe ($\frac{1}{16}$ inch) red stripe ($\frac{1}{16}$ inch) white stripe ($\frac{3}{16}$ inch) (black band ($\frac{3}{4}$ inch) white stripe ($\frac{3}{16}$ inch), red stripe ($\frac{1}{16}$ inch) and blue stripe ($\frac{1}{16}$ inch)—

(b) *Requirements*. Service in Germany or Austria-Hungary between November 12, 1918, and July 11, 1923.

§ 578.42 *American Defense Service Medal*. Established by Executive Order 8808 (3 CFR 1943 Cum. Supp.)

(a) *Description*. The medal of bronze is $1\frac{1}{4}$ inches in diameter. On the obverse is a female Grecian figure symbolic of defense, holding in her sinister hand an ancient war shield in reverse and her dexter hand brandishing a sword above her head, and standing upon a conventionalized oak branch with four leaves. Around the top is the lettering "American Defense." On the reverse is the wording "For service during the limited emergency proclaimed by the President on September 8, 1939 or during the unlimited emergency proclaimed by the President on May 27, 1941" above a seven-leaved spray. The medal is suspended by a ring from a silk moire ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width composed of a golden yellow stripe ($\frac{3}{16}$ inch), blue stripe ($\frac{1}{24}$ inch) white stripe ($\frac{1}{24}$ inch) red stripe ($\frac{1}{24}$ inch) golden yellow band ($\frac{3}{4}$ inch) red stripe ($\frac{1}{24}$ inch) white stripe ($\frac{1}{24}$ inch), blue stripe ($\frac{1}{24}$ inch), and golden yellow stripe ($\frac{3}{16}$ inch).

(b) *Requirements*. Service between September 8, 1939, and December 7, 1941, under orders to active duty for a period of 12 months or longer.

(c) *Foreign service clasp*—(1) *Description*. The clasp is a bronze bar $\frac{1}{8}$ inch in width and $1\frac{1}{2}$ inches in length with the words "Foreign Service," with

a star at each end of the inscription. The bar is placed on the suspension ribbon of the medal.

(2) *Requirements*. Service outside the continental limits of the United States, including service in Alaska, as a member of a crew of a vessel sailing ocean waters, or as a member of an operating crew of an airplane participating in regular and frequent flights over ocean waters.

(3) *Service star*. Possession of a foreign service clasp is denoted by a bronze service star worn on the service ribbon.

§ 578.43 *Women's Army Corps Service Medal*. Established by Executive Order 9365 (3 CFR, 1943 Supp.)

(a) *Description*. The medal of bronze is $1\frac{1}{4}$ inches in diameter. On the obverse is the head of Pallas Athene in profile facing dexter, superimposed on a sheathed sword crossed with oak leaves and a palm branch within a circle composed of the words "Women's" in the upper half, and in the lower half "Army Corps." on the reverse, within an arrangement of 13 stars, is a scroll bearing the words "For service in the Women's Army Auxiliary Corps" in front of the letters "U S" in lower relief at the top and perched on the scroll is an eagle with wings elevated and displayed, and at the bottom, the dates "1942-1943." The medal is suspended by a ring from a silk moire ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width composed of an old gold stripe ($\frac{1}{8}$ inch) moss-tone green band ($1\frac{1}{8}$ inches) and old gold stripe ($\frac{1}{8}$ inch).

(b) *Requirements*. Service in both the Women's Army Auxiliary Corps between July 20, 1942, and August 31, 1943, and the Women's Army Corps between September 1, 1943, and September 2, 1945.

§ 578.44 *American Campaign Medal*. Established by Executive Order 9265 (3 CFR 1943, Cum. Supp.)

(a) *Description*. A medal of bronze $1\frac{1}{4}$ inches in diameter. On the obverse a Navy cruiser under full steam with a B-24 airplane flying overhead with a sinking enemy submarine in the foreground on three wave symbols, in background a few buildings, representing the arsenal of democracy, above this scene the words "American Campaign." On the reverse an American bald eagle between the dates "1941-1945" and the words "United States of America." The medal is suspended by a ring from a silk moire ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width composed of a blue stripe ($\frac{3}{16}$ inch), white stripe ($\frac{1}{16}$ inch), black stripe ($\frac{1}{16}$ inch) red stripe ($\frac{1}{16}$ inch) white stripe ($\frac{1}{16}$ inch), blue stripe ($\frac{3}{16}$ inch) dark blue stripe ($\frac{1}{24}$ inch), white stripe ($\frac{1}{24}$ inch), red stripe ($\frac{1}{24}$ inch) blue stripe ($\frac{1}{16}$ inch), white stripe ($\frac{1}{16}$ inch), red stripe ($\frac{1}{16}$ inch), black stripe ($\frac{1}{16}$ inch) white stripe ($\frac{1}{16}$ inch), and blue stripe ($\frac{3}{16}$ inch).

(b) *Requirements*. Service within the American Theater between December 7, 1941, and March 2, 1946, under any of the following conditions:

(1) On permanent assignment outside the continental limits of the United States.

(2) Permanently assigned as a member of a crew of a vessel sailing ocean waters for a period of 30 days.

(3) Permanently assigned as a member of an operating crew of an airplane actually making regular and frequent flights over ocean waters for a period of 30 days.

(4) Outside the continental limits of the United States in a passenger status or on temporary duty for 30 consecutive days or 60 days not consecutive.

(5) In active combat against the enemy and was awarded a combat decoration or furnished a certificate by the commanding general of a corps, higher unit, or independent force that he actually participated in combat.

(6) Within the continental limits of the United States for an aggregate period of 1 year.

(c) *Boundaries of the American Theater*—(1) *Eastern boundary*. From the North Pole, south along the 75th meridian west longitude to the 77th parallel north latitude thence southeast through Davis Strait to the intersection of the 40th parallel north latitude and the 35th meridian west longitude, thence south along the meridian to the 10th parallel north latitude, thence southeast to the intersection of the Equator and the 20th meridian west longitude, thence south along the 20th meridian west longitude to the South Pole.

(2) *Western boundary*. From the North Pole, south along the 141st meridian west longitude to the east boundary of Alaska, thence south and southeast along the Alaska boundary to the Pacific Ocean, thence south along the 130th meridian to its intersection with the 30th parallel north latitude, thence southeast to the intersection of the Equator and the 100th meridian west longitude to the South Pole.

(d) *Service star*—(1) *Description*. The service star is a bronze five-pointed star $\frac{3}{16}$ inch in diameter. The service star is placed with one point of each star up in a vertical position on the suspension ribbon of the medal or on the service ribbon.

(2) *Requirements*. Service in the antisubmarine campaign within the American Theater while assigned, or attached, to and present for duty with a unit during the period in which it participated in combat.

§ 578.45 *Asiatic-Pacific Campaign Medal*. Established by Executive Order 9265 (3 CFR 1943 Cum. Supp.).

(a) *Description*. A medal of bronze $1\frac{1}{4}$ inches in diameter. On the obverse a tropical landing scene with a battleship, aircraft carrier, submarine and aircraft in the background with landing troops and palm trees in the foreground; above this scene the words "Asiatic-Pacific Campaign." The reverse is the same as that of the American Campaign Medal. The medal is suspended by a ring from a silk moire ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width composed of an orange stripe ($\frac{3}{16}$ inch) white stripe ($\frac{1}{16}$ inch) red stripe ($\frac{1}{16}$ inch) white stripe ($\frac{1}{16}$ inch) orange stripe ($\frac{1}{4}$ inch), blue stripe ($\frac{1}{24}$ inch), white stripe ($\frac{1}{24}$ inch) red stripe ($\frac{1}{24}$ inch) orange stripe ($\frac{1}{4}$ inch) white

stripe ($\frac{1}{16}$ inch), red stripe ($\frac{1}{16}$ inch), white stripe ($\frac{1}{16}$ inch), and orange stripe ($\frac{3}{16}$ inch).

(b) *Requirements*. Service within the Asiatic-Pacific Theater between December 7, 1941, and March 2, 1946, under any of the following conditions:

(1) On permanent assignment.

(2) In a passenger status or on temporary duty for 30 consecutive days or 60 days not consecutive.

(3) In active combat against the enemy and was awarded a combat decoration or furnished a certificate by the commanding general of a corps, higher unit, or independent force that he actually participated in combat.

(c) *Boundaries of the Asiatic-Pacific Theater*—(1) *Eastern boundary*. Coincident with the western boundary of the American Theater (§ 578.44 (c) (2)).

(2) *Western boundary*. From the North Pole, south along the 60th meridian east longitude to its intersection with the east boundary of Iran, thence south along the Iran boundary to the Gulf of Oman and the intersection of the 60th meridian east longitude, thence south along the 60th meridian east longitude, to the South Pole.

(d) *Service star*—(1) *Description*. See § 578.44 (d) (1) for bronze service star. A silver service star is worn in lieu of five bronze service stars.

(2) *Requirements*. Combat service within the Asiatic-Pacific Theater, one bronze service star for each campaign. The individual must meet any of the following conditions:

(i) Assigned, or attached, to and present for duty with a unit during the period in which it participated in combat.

(ii) Under orders in the combat zone and in addition meets any of the following requirements:

(a) Awarded a combat decoration.

(b) Furnished a certificate by a commanding general of a corps, higher unit, or independent force that he actually participated in combat.

(c) Served at a normal post of duty (as contrasted to occupying the status of an inspector, observer, or visitor).

(d) Aboard a vessel other than in a passenger status and furnished a certificate by the home port commander of the vessel that he served in the combat zone.

(iii) Was an evadee or escapee in the combat zone or recovered from a prisoner of war status in the combat zone during the time limitations of the campaign. Prisoners of war will not be accorded credit for the time spent in confinement or while otherwise in restraint under enemy control.

(e) *Arrowhead*—(1) *Description*. The arrowhead is a bronze replica of an Indian arrowhead $\frac{1}{4}$ inch in height and $\frac{1}{8}$ inch in width worn with the point up on the suspension ribbon of the medal or on the service ribbon.

(2) *Requirements*. Participation in a combat parachute jump, combat glider landing, or amphibious assault landing within the Asiatic-Pacific Theater under either of the following conditions:

(i) Made a combat parachute jump or combat glider landing into enemy-held territory as an assigned or attached member of an organized force carrying out an assigned tactical mission.

(ii) Went ashore in the assault waves in an amphibious landing on enemy-held territory as an assigned or attached member of an organized force carrying out an assigned tactical mission.

§ 578.46 *European-African-Middle Eastern Campaign Medal*. Established by Executive Order 9265 (3 CFR Cum. Supp.).

(a) *Description*. A medal of bronze $1\frac{1}{4}$ inches in diameter. On the obverse an LST landing craft and troops landing under fire with an airplane in background below the words "European-African-Middle Eastern Campaign." The reverse is the same as that of the American Campaign Medal. The medal is suspended by a ring from a silk moire ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width composed of a brown stripe ($\frac{3}{16}$ inch) green stripe ($\frac{1}{16}$ inch) white stripe ($\frac{1}{16}$ inch), red stripe ($\frac{1}{16}$ inch), green stripe ($\frac{1}{4}$ inch), blue stripe ($\frac{1}{24}$ inch), white stripe ($\frac{1}{24}$ inch) red stripe ($\frac{1}{24}$ inch) green stripe ($\frac{1}{4}$ inch), white stripe ($\frac{1}{16}$ inch) black stripe ($\frac{1}{16}$ inch) white stripe ($\frac{1}{16}$ inch) and brown stripe ($\frac{3}{16}$ inch).

(b) *Requirements*. Service within the European-African-Middle Eastern Theater between December 7, 1941, and November 8, 1945, under any of the following conditions:

(1) On permanent assignment.

(2) In a passenger status or on temporary duty for 30 consecutive days or 60 days not consecutive.

(3) In active combat against the enemy and was awarded a combat decoration or furnished a certificate by the commanding general of a corps, higher unit, or independent force that he actually participated in combat.

(c) *Boundaries of the European-African-Middle Eastern Theater*—(1) *Eastern boundary*. Coincident with the western boundary of the Asiatic-Pacific Theater (§ 578.45 (c) (2)).

(2) *Western boundary*. Coincident with the eastern boundary of the American Theater (§ 578.44 (c) (1)).

(d) *Service star*—(1) *Description*. Same as § 578.45 (d) (1).

(2) *Requirements*. Service within the European-African-Middle Eastern Theater, one bronze service star for each campaign (AR 260-15). The individual must meet any of the following conditions:

(i) Assigned, or attached, to and present for duty with a unit during the period in which it participated in combat.

(ii) Under orders in the combat zone and in addition meets any of the following requirements:

(a) Awarded a combat decoration.

(b) Furnished a certificate by a commanding general of a corps, higher unit, or independent force that he actually participated in combat.

(c) Served at a normal post of duty (as contrasted to occupying the status of an inspector, observer, or visitor).

(d) Aboard a vessel other than in a passenger status and furnished a certificate by the home port commander of the vessel that he served in the combat zone.

(iii) Was an evadee or escapee in the combat zone or recovered from a prisoner of war status in the combat zone

during the time limitations of the campaign. Prisoners of war will not be accorded credit for the time spent in confinement or while otherwise in restraint under enemy control.

(e) *Arrowhead* — (1) *Description*. Same as § 578.45 (e) (1)

(2) *Requirements*. Participation in a combat parachute jump, combat glider landing, or amphibious assault landing within the European-African-Middle Eastern Theater under either of the following conditions:

(i) Made a combat parachute jump or combat glider landing into enemy-held territory as an assigned or attached member of an organized force carrying out an assigned tactical mission.

(ii) Went ashore in the assault waves in an amphibious landing on enemy-held territory as an assigned or attached member of an organized force carrying out an assigned tactical mission.

§ 578.47 *World War II Victory Medal*. Established by act July 6, 1945 (Public Law 135—79th Cong.)

(a) *Description*. The medal of bronze is 36 millimeters in diameter. On the obverse is a figure of Liberation standing full length with head turned to dexter looking to the dawn of a new day, right foot resting on a war god's helmet with the hilt of a broken sword in the right hand and the broken blade in the left hand, the inscription "World War II" horizontally placed immediately below center. On the reverse are the inscriptions "Freedom from fear and want" and "Freedom of speech and religion" separated by a palm branch, all within a circle composed of the words "United States of America—1941—1945." The medal is suspended by a ring from a silk moire ribbon $1\frac{3}{8}$ inches in length and $1\frac{1}{8}$ inches in width composed of a double rainbow in juxtaposition ($\frac{3}{8}$ inch), white stripe ($\frac{1}{32}$ inch) red band ($\frac{1}{16}$ inch) white stripe ($\frac{1}{32}$ inch) and double rainbow in juxtaposition ($\frac{3}{8}$ inch)

(b) *Requirements*. Service between December 7, 1941 and December 31, 1946, both dates inclusive.

§ 578.48 *Army of Occupation Medal*. Established by section I, WD General Orders 32, 1946.

(a) *Description*. A medal of bronze $1\frac{1}{4}$ inches in diameter. On the obverse the Remagen Bridge abutments below the words "Army of Occupation." On the reverse Fujiyama with a low hanging cloud over two Japanese junks above a wave scroll and the date "1945." The medal is suspended by a ring from a silk moire ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width composed of a white stripe ($\frac{3}{16}$ inch) black band ($\frac{1}{2}$ inch), red band ($\frac{1}{2}$ inch) and white stripe ($\frac{3}{16}$ inch)

(b) *Requirements*. Service for 30 consecutive days at a normal post of duty (as contrasted to inspector, visitor, courier, escort, passenger status, temporary duty, or detached service) while assigned to any of the following Armies of Occupation:

(1) Army of Occupation of Germany or Austria between May 9, 1945 and a terminal date to be announced later in Germany or Austria. (Service between

May 9, 1945 and November 8, 1945 will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.)

(2) Army of Occupation of Italy between May 9, 1945 and September 15, 1947 in the compartment of Venezia Giulia E. Zara or Province of Udine, or with a unit in Italy as designated in General Orders 4, Department of the Army, 1947. (Service between May 9, 1945 and November 8, 1945 will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.)

(3) Army of Occupation of Japan or Korea between September 3, 1945 and a terminal date to be announced later in the four main islands of Hokkaido, Honshu, Shikoku, and Kyushu, the surrounding smaller islands of the Japanese homeland, the Ryukyu Islands, the Bonin-Volcano Islands, or Korea. (Service between September 3, 1945 and March 2, 1946 will be counted only if the Asiatic-Pacific Campaign Medal was awarded for service prior to September 3, 1945.)

(c) *Occupation clasp*—(1) *Description*. The clasp is a bronze bar $\frac{1}{8}$ inch in width and $1\frac{1}{2}$ inches in length with the word "Germany" or "Japan." The bar is placed on the suspension ribbon of the medal.

(2) *Requirements*. Service with an Army of Occupation in Europe for the "Germany" clasp or with an Army of Occupation in the Far East for the "Japan" clasp.

§ 578.49 *Service ribbons*—(a) *Description*. The service ribbon is a strip of ribbon identical with that from which the service medal is suspended and $\frac{3}{8}$ inch in length.

§ 578.50 *Service stars*—(a) *Description*. The service star is a bronze or silver five-pointed star $\frac{3}{16}$ inch in diameter. A silver service star is worn in lieu of five bronze service stars.

§ 578.51 *Arrowheads*—(a) *Description*. The arrowhead is a bronze replica of an Indian arrowhead $\frac{1}{4}$ inch in height and $\frac{1}{8}$ inch in width.

§ 578.52 *Miniature service medals and appurtenances*—(a) *Description*. Miniature service medals and appurtenances are replicas of the corresponding service medals and appurtenances, on a scale of $\frac{1}{2}$.

(b) *Wearing*. Miniature service medals with miniature appurtenances are worn attached to a bar on the left lapel of military and civilian evening clothes only.

§ 578.53 *Miniature service ribbons*—(a) *Description*. Miniature service ribbons are replicas of corresponding service ribbons, on a scale of $\frac{1}{2}$.

(b) *Wearing*. Miniature service ribbons with miniature appurtenances are worn attached to a bar on civilian clothes only.

§ 578.54 *Lapel buttons*—(a) *For all service medals except Victory Medals*. The lapel button is $2\frac{1}{32}$ inch in width and $\frac{1}{8}$ inch in length, in colored enamel, being a reproduction of the service

ribbon. Miniature appurtenances may be placed on lapel buttons.

(b) *For World War I Victory Medal*. The lapel button is a five-pointed star $\frac{5}{16}$ inch in diameter on a wreath with the letters "U S" in the center. For persons wounded in action, the lapel button is of silver, for all others, of bronze.

(c) *For World War II Victory Medal*—(1) *No lapel button is authorized*. The honorable service lapel button is worn in lieu of a lapel button for the World War II Victory Medal.

(2) *Description of honorable service lapel button*. The gold-color metal lapel button consists of a dexter eagle with wings displayed perched within a ring composed of a chief and thirteen vertical stripes; the dexter wing of the eagle is behind the ring, the sinister wing is in front of the ring.

(3) *Requirements for honorable service lapel button*. Service between September 8, 1939, and December 31, 1946, both dates inclusive.

(d) *Wearing*. Lapel buttons may be worn on civilian clothes only.

§ 578.55 *Supply of appurtenances*.

(a) Only the following appurtenances will be supplied by the Department of the Army or Department of the Air Force.

- (1) Service stars.
- (2) Arrowheads.
- (3) Clasps.
- (4) Service ribbons.
- (5) Lapel button for World War I Victory Medal.

(6) Honorable service lapel button (in lieu of a lapel button for World War II Victory Medal)

(b) An initial issue of the above appurtenances will be made with the corresponding service medals. Replacements for military personnel on active duty will be supplied to commanding officers on requisition in the usual manner. Replacements for others will be made at cost price upon request to The Adjutant General, Washington 25, D. C., or Chief of Staff, United States Air Force, Attention: Awards Branch.

(c) The following appurtenances for service medals will not be sold by the Department of the Army or Department of the Air Force:

- (1) Miniature service medals and appurtenances.
- (2) Miniature service ribbons.
- (3) Lapel buttons, except the lapel button for the World War I Victory Medal and the honorable service lapel button.

§ 578.56 *Manufacture, sale, and illegal possession*. Sections 507.1 to 507.8 of this chapter prescribe:

(a) Restrictions on manufacture and sale of service medals and appurtenances by civilians.

(b) Penalties for illegal possession and wearing of service medals and appurtenances.

BADGES

§ 578.60 *Badges; general*—(a) *Purpose*. Badges are awarded as recognition of attaining a high standard of proficiency in critical military skills.

(b) *Application for badge*. (1) A civilian, including a former member of the Army, who has received an order announcing award of a badge but who has

not received such badge may make application to The Adjutant General inclosing a copy of the order.

(2) A civilian who believes himself entitled to a badge but who has not received orders announcing the award may make application to The Adjutant General inclosing a statement in detail why he believes he is entitled to a badge. A former member of the Army will also inclose a certified or photostatic copy of his discharge certificate or certificate of service.

(3) Badges will be awarded posthumously by The Adjutant General to the next of kin in the following order: Widow or widower, eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild. The next of kin of an individual entitled to a badge may make application to The Adjutant General, Washington 25, D. C., inclosing a certified or photostatic copy of the individual's discharge certificate or certificate of service if available.

(4) A member or former member of the Army who believes himself entitled to an aviation badge or a badge for service with the United States Air Force must apply direct to the Chief of Staff, U. S. Air Force, Attention: Director of Military Personnel.

(c) *Replacement.* Whenever a badge presented in accordance with the regulations in this part is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was awarded, it will be replaced without charge to military personnel on active duty, and for others at cost price.

(d) *Exhibition.* Samples of badges may be furnished for exhibition purposes at cost price plus transportation and packing charges to museums, libraries, military societies, or other institutions of a public character. The sample badges will be engraved at the expense of the purchaser with the words "For exhibition purposes only."

§ 578.61 *Marksmanship badges.* (a) Qualification badges for marksmanship are of three types:

- (1) Basic qualification.
- (2) Excellence in competition.
- (3) Distinguished designation.

(b) *Basic qualification badges.*—(1) *Description.*—(i) *Badge.* Basic qualification badges are of three classes:

(a) *Expert.* A cross patee with a target placed in the center thereof, the whole surrounded by a wreath, of silver, 1.15 inches in width.

(b) *Sharpshooter.* A cross patee with a target placed in the center thereof, of silver, 1 inch in width.

(c) *Marksmanship.* A cross patee, of silver, 1 inch in width.

(ii) *Bars.* Of silver .2 inch in width and 1 inch in length with rings for attaching to badge or subsequent bar and inscribed with the name of the weapon for which awarded. A bar is authorized for each weapon in which an individual is qualified. Weapons for which bars are authorized are as follows:

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| (a) Rifle. | (e) Machine gun. |
| (b) Pistol. | (f) Coast Artillery. |
| (c) Antiaircraft artillery. | (g) Submarine mines. |
| (d) Automatic rifle. | (h) Field Artillery. |

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| (i) Tank weapons. | (o) Recoilless rifle. |
| (j) Flamethrower. | (p) Mortar. |
| (k) Submachine gun. | (q) Bayonet. |
| (l) Rocket launcher. | (r) Rifle, small bore. |
| (m) Grenade. | (s) Pistol, small bore. |
| (n) Carbine. | |

(2) *Who may award.* Commanding officers of regiments, groups, and separate battalions, and any commanding officer of the rank of lieutenant colonel or higher may make awards to members of the armed forces of the United States. Awards to civilians will be made only by the Director of Civilian Marksmanship and in accordance with the provisions of AR 850-100 (§§ 543.1 to 543.3 of this chapter).

(3) *Requirements.* Attain the qualification score prescribed in appropriate field manual for the weapon concerned. For any one weapon only one bar and the badge of last qualification may be worn. Only one qualification badge of each class may be worn; qualification in additional weapons will be indicated by bars.

(c) *Excellence in competition badges.*—(1) *Description.* Badges for excellence in competition consist of a bar indicating national or area matches, a clasp indicating rifle or pistol competition, and a metal pendant. The parts are fastened together by rings.

(i) *Bars.* Of bronze. For national matches, rectangular 1¼ inches in length and ¼ inch in width, with oak leaves in the center. For area matches, 1½ inches in length and ½ inch in width with rounded ends, in the center a plain disk ⅜ inch in diameter.

(ii) *Clasp.* Of bronze, 1½ inches in length and ½ inch in height; crossed muskets for rifle matches, crossed pistols for pistol matches.

(iii) *Pendant.* Of bronze 1½ inches in diameter, in the center a crossed Indian bow and arrows within a ring bearing 13 stars and surrounded by a wreath of oak leaves.

(2) *Who may award.* The Adjutant General only.

(3) *Eligibility requirements.* The number of persons to be awarded these badges will depend upon the number of participants and the quality of the competition. In area matches, these badges will be awarded only for excellence in individual competition; in national matches, badges will be awarded both for individual and team competition. The conditions for establishing eligibility will be as prescribed annually by the National Board for Promotion of Rifle Practice in "Rules and Regulations for National (and/or Area) Matches" for that year. Effective immediately, badges for excellence in competition in future matches, will be awarded only to persons whose score in authorized competition constitutes a credit toward the distinguished designation badges. Whether badges for excellence in competition awarded in past matches will count as credit toward a distinguished designation badge will be determined in accordance with regulations in effect at the time such matches were held. Only one badge for excellence in rifle competition and one badge for excellence in pistol

competition may be worn at the same time.

(d) *Distinguished designation badges.*—(1) *Description.* Badges awarded to persons designated as "Distinguished Marksman" (rifle) or "Distinguished Pistol Shot" consist of a metal pendant indicating the distinguished designation and a bar. The name of the recipient and the year of attainment will be engraved on the reverse of the pendant.

(i) *Distinguished marksman.*—(a) *Bar.* Of gold, 1.8 inches in length, superimposed a shield of stars and stripes with the letters "U. S." thereon.

(b) *Pendant.* Of gold, a shield 1.5 inches in length and 1.4 inches in width, in the center an enameled target between the words "Distinguished" and "Marksman."

(ii) *Distinguished pistol shot.*—(a) *Bar.* Of gold, 1.55 inches in length, superimposed a shield of stars and stripes with the letters "U. S." thereon.

(b) *Pendant.* Of gold, a shield 1.25 inches in length and 1.075 inches in width, in the center an enameled target between the words "Distinguished" and "Pistol Shot."

(2) *Who may award.* The Adjutant General only.

(3) *Eligibility requirements.* An individual will be designated as a distinguished marksman or distinguished pistol shot when he has been awarded three excellents in competition badges. Badges won prior to 1948 will be counted only if such badge granted credit toward the distinguished designation under the rules of the match in which won. A credit granted by the National Board for the Promotion of Rifle Practice under rules in effect for matches prior to 1948 will be counted in the same manner as excellence in competition badges; each individual who is entitled to such credit and has not been awarded an excellence in competition badge may be awarded such badge upon application.

(e) *Lapel button.*—(1) *Description.* The lapel button is 21/32 inch in maximum dimension and on corresponding scale, being a reproduction of the basic qualification badge (without bar) the pendant of the excellence in competition badge, the pendant of the distinguished designation badge, or the motor vehicle driver and mechanic badge (without bar).

(2) *Wearing.* Lapel buttons may be worn on civilian clothes only.

PART 580—WOMEN'S ARMY CORPS

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| Sec. | Mission. |
| 580.1 | Applicable regulations. |
| 580.2 | Composition and organization. |
| 580.3 | Duties of director. |
| 580.4 | Appointment of officers. |
| 580.5 | Courts martial and other boards. |
| 580.6 | Promotion and relative rank. |
| 580.7 | Separation. |
| 580.8 | Warrant officers. |
| 580.9 | Eligibility for enlistment, and reenlistment. |
| 580.10 | Enlistment of women in the Women's Army Corps, Regular Army, and in the United States Air Force. |

Authority: §§ 580.1 to 580.11 (with exception cited in parentheses following section)

affected) issued under 57 Stat. 371; 50 U. S. C., App., 1551-1555.

DERIVATION: War Department Circular 136, May 11, 1946, except as noted following provision affected.

§ 580.1 Mission. The mission of the Women's Army Corps is to make available to the Army the knowledge, skill and special training of the women of the Nation.

§ 580.2 Applicable regulations. The provisions of Army regulations, Department of the Army circulars, and other instructions apply to members of the Women's Army Corps, its officers, warrant officers, and enlisted women, except where inappropriate, as modified in this part, or by appropriate Department of the Army directives. Whenever the terms "officer," "warrant officer," and "enlisted man" are used in existing regulations they will be construed to include officers, warrant officers, and enlisted women of the Women's Army Corps.

§ 580.3 Composition and organization—(a) Composition. The Women's Army Corps will consist of the Director of the Women's Army Corps who will be a colonel in the Army of the United States, and such commissioned officers of lower grade, warrant officers, and enlisted personnel as are authorized by the Secretary of the Army, but will not exceed the number authorized from time to time by the president.

(b) Organization. The Corps will be organized into the Office of the Director; such training centers, schools, and other installations as may be required; and such units, detachments, and individuals as may be assigned for duty with the various continental and oversea commands. The Office of the Director, Women's Army Corps, will function directly under the Director of Personnel and Administration, General Staff, United States Army.

§ 580.4 Duties of director In addition to such other duties as may be prescribed, the Director will supervise activities relating to the Women's Army Corps and will be responsible for:

(a) Plans and policies for the utilization, command, morale, and well-being of the Women's Army Corps.

(b) Plans and policies for the procurement, reception, classification, training, supply, assignment, and separation of Women's Army Corps personnel in coordination with the appropriate Department of the Army agencies.

(c) Inspection of units, detachments, and individuals in the zone of interior and overseas. In the exercise of these responsibilities, the director is authorized to consult directly with the commanding generals concerned or their appropriate staff officers.

§ 580.5 Appointment of officers. (a) Officers of the Women's Army Corps, except as noted in paragraph (b) of this section will be appointed only from graduates of the Women's Army Corps Officer Candidate School in such numbers as may be specifically authorized by the Secretary of the Army.

(b) Officer candidates will be derived from warrant officers and enlisted women of the Women's Army Corps, who are

selected under the provisions of Army Regulations.

(c) The Adjutant General has been charged with initial assignment of graduates of the Women's Army Corps Officer Candidate School. All correspondence pertaining to such personnel will be addressed to The Adjutant General, Attention: Officers' Branch (SPXPO-A-R)

(d) Women's Army Corps officers will be appointed in accordance with the existing regulations pertaining to non-combat appointments in oversea theaters.

§ 580.6 Courts martial and other boards. (a) A general or special court to which charges against a member of the Women's Army Corps are referred will include one or more commissioned officers of the Women's Army Corps.

(b) Every board, except one composed entirely of medical officers, which deals with a matter pertaining to the Women's Army Corps will include at least one member of the Women's Army Corps.

§ 580.7 Promotion and relative rank. (a) Promotion of Women's Army Corps officers will be made in accordance with current Department of the Army policy governing the temporary promotion of officers in the Army of the United States. Commissioned service in the Women's Army Auxiliary Corps will be included in computing periods of service required for eligibility for promotion. Statutory provisions prohibit promotion of Women's Army Corps officers to the grade of colonel, except in the case of an officer of the Women's Army Corps who is designated by the Secretary of the Army as commanding officer of such corps.

(b) All officers appointed in the Army of the United States and assigned to the Women's Army Corps will take rank in the same manner as other persons who are appointed in the Army of the United States, except that those officers who formerly held appointments as officers in the Women's Army Auxiliary Corps will take rank in the same manner as Reserve officers called into the service of the United States; and for this purpose service in the Women's Army Auxiliary Corps in the grade equivalent to that to which any such officer was appointed in the Army of the United States will be deemed active Federal service.

§ 580.8 Separation. WAC officers will be separated from the service under regulations prescribed for the separation of all officers.

§ 580.9 Warrant officers—(a) Provisions for appointment. The provisions of AR 610-15, entitled "Warrant Officers—Temporary Appointment in the Army of the United States" apply to enlisted personnel of the Women's Army Corps.

§ 580.10 Eligibility for enlistment and reenlistment—(a) General. Any female citizen of the United States between the ages of 20 and 38 who is of excellent character, who meets the established mental and physical requirements, and who is eligible under the conditions below, may be enlisted or reenlisted in the Army of the United States within authorized quotas.

(b) *Age.* An applicant must have attained her 20th but not her 38th birthday (except as provided in paragraph (g) of this section)

(1) *Completion of enlistment prior to 38th birthday.* No applicant will be given the oath of enlistment who has attained her 38th birthday, regardless of date of application for enlistment.

(2) *Proof of date and place of birth.* Satisfactory proof of date and place of birth should be established by one of the following: birth certificate or photo-static copy thereof; bona fide school, institutional, or baptismal or other church records, showing birth date of applicant; affidavit of physician or midwife attending birth of applicant; affidavit of parent or parents; affidavit of relative or responsible party in those cases where no reasonable doubt of age or place of birth exists.

(c) *Citizenship.* (1) Proof of date and place of birth as required in paragraph (b) (2) of this section, will be considered proof of citizenship in the case of native born citizens.

(2) In cases of naturalized citizens, final naturalization papers must be presented.

(3) In those instances where an applicant became naturalized while a minor through the naturalization of parent or parents, a certificate of derivative citizenship or parents' final papers will be considered proof of citizenship.

(d) *Education.* The minimum educational qualifications will be at least 2 years of high school or equivalent schooling, such as business, vocational, or trade school.

(e) *Physical.* See Army Regulations 40-100.

(f) *Dependents—(1) Children.* (i) A woman with a child or children under 14 years of age may be enlisted only under the following conditions: If she has become legally, or in fact, divested of the care, custody, control, and support of such child or children at least 18 months prior to date of her application, established by the submission of proper proof as follows:

(a) If by court action, a certified copy of court order or other court action.

(b) If not by court action, but in fact, by the affidavits of the prospective recruit and the person or persons exercising care, custody, control, and support of the child or children.

(ii) A woman with a child or children between their 14th and 18th birthdays dependent upon her for partial or chief support is eligible for enlistment. However, dependency benefits under the provisions of the Servicemen's Dependents Allowance Act of 1942, as amended (56 Stat. 381, as amended; 37 U.S.C., Sup., 201-221, 50 U.S.C. 305 (e) (1) 315 (c)), may be claimed only in the case of such children who are dependent upon the applicant for chief support.

(iii) A woman with a child or children between their 18th and 21st birthdays legally or in fact dependent upon such woman for care, custody, control, or support, is not eligible for enlistment.

(2) *Other dependents.* See Army Regulations 35-5520.

(g) *Enlistment of those having previous military service—(1) General.* A

former member of the WAAC/WAC between the ages of 20 and 50 may be re-enlisted in the AUS upon approval of The Adjutant General, provided the records of previous service do not indicate ineligibility for reenlistment and she is otherwise qualified under existing regulations. Ineligibility includes former service terminated under other than honorable conditions.

(2) *Enlistment of former members of another armed service of the United States.* Enlistment of a former member of another armed service of the United States is not authorized without approval of The Adjutant General.

§ 580.11 *Enlistment of women in the Women's Army Corps, Regular Army, and in the United States Air Force—(a) General—(1) Introduction.* Except as modified in this section, the provisions of Part 570 of this chapter will apply to the enlistment of women in the "Women's Army Corps, Regular Army," and the "Women in the United States Air Force" (regular component of the Air Force of the United States) pursuant to the Women's Armed Services Integration Act of 1948 (act, June 12, 1948 (Pub. Law 625, 80th Cong.)) The titles of the women's components of the Regular Army and the United States Air Force are:

(i) *Women's Army Corps, United States Army.* For the purpose of this section, the Women's Army Corps will be referred to as WAC.

(ii) *Women in the Air Force.* For the purpose of this section, Women in the Air Force will be referred to as WAF.

(2) *Eligibility.* Subject to the provisions of paragraphs 6, 7, 8, and 9, personnel of the following categories who are qualified for general service may be enlisted:

(i) Members of the Women's Army Corps, Army of the United States.

(ii) Women with prior service in any of the armed forces.

(iii) Women with no prior military service.

(3) *Date of application for enlistment.* Applications for enlistment of women presently serving in the Women's Army Corps, Army of the United States, will be accepted immediately. Enlistment of other personnel began on September 27, 1948.

(b) *Qualifications for enlistment—(1) Age.* Enlistment is authorized for:

(i) Applicants not less than 18 years of age who have not reached their thirty-fifth birthday. An applicant who is 18 years of age but has not reached her twenty-first birthday will be required to furnish certified written consent of parents or guardian.

(ii) Former members of the WAC over 35 years of age are authorized to enlist: *Provided,* That at the time of application for such enlistment the age does not exceed 35 years plus the length of prior active service in the WAC in completed years of honorable service subsequent to July 1, 1943.

(2) *Physical requirements.* All applicants who are otherwise qualified will be given a physical examination under the provisions of Army Regulations. Applicants for enlistment must meet fully

the qualifications for general military service.

(3) *Educational requirement.* Applicants without prior military service who apply for enlistment in the WAC must possess a certificate of graduation from high school or hold a State-recognized equivalent or have successfully completed the General Educational Development Test. Applicants without prior military service who apply for enlistment in the WAF must possess a certificate of graduation from high school.

(4) *Women ineligible for enlistment.* Enlistment is not authorized for those women who are classified as ineligible for enlistment under the provisions of § 570.1 (f) of this chapter so far as those provisions are applicable and with exceptions as noted below.

(i) Waivers for enlistment may be requested from The Adjutant General's Office or from the Chief of Staff, United States Air Force, for women presently on active duty in the WAC, Army of the United States, who have lost time under Article of War 107, provided such enlisted women are recommended by appropriate detachment commanders and immediate section chiefs.

(ii) No waivers will be granted for personnel in the following categories:

(a) Women with time lost under Article of War 107 who are not on active duty at time of application for enlistment.

(b) Women last separated from any branch of the armed forces with other than an honorable discharge.

(c) Married women without prior military service.

(d) Women with a dependent or dependents under 18 years of age or a child or children under 18 years of age. The fact that the applicant does not have legal custody of the child or children will not remove the disqualification.

(e) Noncitizens of the United States.

(f) Deserters and felons.

(g) Women who have been imprisoned under sentence of civil court.

(h) Women having frequent difficulty with law-enforcement agencies, criminal tendencies, a history of antisocial behavior, questionable moral character, or traits of character which render them unfit to associate with other women.

(i) Women who have an active chronic venereal disease or history thereof.

(c) *Periods of enlistment.* Enlistments are authorized at the option of the individual for 2, 3, 4, 5, or 6 years in the United States Army, or 3, 4, 5, or 6 years in the United States Air Force. Married women and women who marry after enlistment must serve one full year on current enlistment before they will be eligible for discharge by reason of marriage, unless request for discharge is because of pregnancy. All applicants for enlistment must sign the following:

I certify I fully understand that, if married now or during my enlistment, I will be required to serve one full year on current enlistment, unless otherwise eligible for discharge, before I will be eligible for discharge by reason of marriage.

This certification will be signed in the presence of a female recruiter and attached to the original of the enlistment

record. (Pub. Law 625, 80th Cong., 62 Stat. 356) (DA Cir. 182, 1948)

PART 581—PERSONNEL REVIEW BOARDS

Etc.

581.1 Army Disability Review Board.

581.2 Army Discharge Review Board.

581.3 Army Board on Correction of Military Records.

§ 581.1 *Army Disability Review Board—(a) General provisions—(1) Constitution, purpose, and jurisdiction of review board.* (i) The Army Disability Review Board (herein called the review board) is an administrative agency created within the Department of the Army under authority of section 302, Title I, act of 22 June 1944, (58 Stat. 224) as amended by section 4, act of December 28, 1945 (59 Stat. 623) to review, at the request of any officer retired or released from active service, without pay, for physical disability pursuant to the decision of a retiring board or disposition board, the findings and decisions of such board. The review board is charged with the duty, in cases within its jurisdiction, of ascertaining whether an applicant for review who was separated from the service or released to inactive service, without pay, for physical disability, incurred such physical disability in line of duty or as an incident of the service. When the review board determines in an individual case within its jurisdiction that physical disability was so incurred, it is authorized in the manner prescribed by this memorandum, to reverse prior findings in such regard and to make such findings in lieu thereof as are warranted by the evidence or pertinent regulations. Such remedial action is intended primarily to insure that no officer separated from the service or returned to an inactive status without pay, for disability, shall be deprived unjustly of retirement pay benefits, or retired status and retired pay, as the case may be, by reason of erroneous findings.

(ii) The class of officers whose cases are reviewable shall include officers of the Army of the United States, other than officers of the Regular Army, who were discharged or released to inactive service under the conditions prescribed in subdivision (i) of this subparagraph; and former officers of the Regular Army who were wholly retired under section 1252, Revised Statutes.

(iii) The review board is authorized, upon timely application therefor, to review the proceedings and findings of boards referred to in subdivision (i) of this subparagraph; and to receive additional evidence bearing on the causes and service-connection of disabilities in the cases of officers referred to in subdivision (ii) of this subparagraph, whose cases were the subject of findings by a retiring or disposition board, and who were separated from the service or released to inactive service, without pay, by reason of physical disability, whether denial of retirement or retirement pay benefits, as the case may be, was pursuant to the adverse findings of a board, or was pursuant to administrative action in a case where there was favorable action by a board.

(iv) In carrying out its duties under this memorandum such review board shall have the same powers as exercised by, or vested in, the board whose findings and decisions are being reviewed.

(2) *Application for review.* (1) Any officer desiring a review of his case will make a written application therefor on WD AGO Form 0258 (Application for Review of Army Retiring Board Proceedings) which may be obtained from The Adjutant General, Washington 25, D. C. Attention: AGPO-S-D.

(ii) No application for review will be granted unless received by the Department of the Army within 15 years after the date on which such officer was separated from the service or released to inactive service, without pay for physical disability, or within 15 years after June 22, 1944, whichever date is the later.

(iii) The Adjutant General, upon receipt of an application for review, will note thereon the time of receipt thereof and will, in cases where the jurisdiction for review by the review board is established, assemble the originals or certified copies of all available Department of the Army and/or other records pertaining to the health and physical condition of the applicant, including the record of the proceedings and findings of all retiring and disposition boards in question and the records of all administration and/or executive action taken thereon. Such records, together with the application and any supporting documents submitted therewith, will be transmitted to the president of the review board.

(iv) Upon receipt of an application for review of the findings and decision of a disposition board, The Adjutant General will, in cases where the jurisdiction for review by the review board has been established authorize the applicant to appear at his own expense before a retiring board at a general hospital convenient to his home. If the applicant then goes before a retiring board, and after the usual administrative procedure, is certified for retirement pay benefits, no further review is required. If the approved decision of the retiring board is that the incapacity is not the result of an incident of the service, or if the retiring board finds that no disability exists, or if the officer states he does not desire to appear in person before a retiring board, The Adjutant General, will then refer the case to the review board for review under the provisions of section 302, of the Servicemen's Readjustment Act of 1944, as amended by the act of December 28, 1945 (59 Stat. 623)

(3) *Changes in procedure of review board.* The review board may initiate recommendation for such changes in procedures as established herein as may be deemed necessary for the proper functioning of the review board. Such changes will be subject to the approval of the Secretary of the Army.

(b) *Proceedings of review board.*—(1) *Convening of review board.* (i) The review board will be convened at the call of its president and will recess or adjourn at his order. In the event of the absence or incapacity of the president, the next senior member will serve as acting president for all purposes.

(ii) Unless otherwise directed by its president, the review board will convene in Washington, D. C., at the time and place indicated by him.

(iii) The review board will assemble in open session for the consideration and determination of cases presented to it. After the conclusion of such hearing, the review board will as soon as practicable thereafter convene in closed session for determination.

(2) *Hearings.* (i) An applicant for review, upon request, is entitled by law to appear before the review board in open session either in person or by counsel of his own selection. Witnesses shall be permitted to present testimony either in person or by affidavit. As used in the regulations in this part the term "counsel" shall be construed to include members of the Federal bar, the bar of any state, accredited representatives of veterans' organizations recognized by the Veterans' Administration under section 200 of the act of June 29, 1936 (49 Stat. 2031) and such other persons who, in the opinion of the review board, are considered to be competent to present equitably and comprehensively the claim of the applicant for review. In no case will the expenses or compensation of counsel for the applicant be paid by the Government.

(ii) In every case in which a hearing is authorized, the secretary will transmit to the applicant and to designated counsel for the applicant, if any, a written notice by registered mail stating the time and place of hearing. Such notice shall be mailed at least 30 days in advance of the date on which the case is set for hearing except in cases in which the applicant waives the right of personal appearance and/or representation by counsel. Such notice shall constitute compliance with the requirement of notice to applicant and his counsel. The record shall contain the certificate of the secretary that written notice was given applicant and his counsel, if any, and the time and manner thereof.

(iii) An applicant who requests a hearing and who, after being duly notified of the time and place of hearing, fails to appear at the appointed time, either in person or by counsel, or, in writing, waives his right to appear, thereby waives such right.

(iv) In the conduct of its inquiries, the review board shall not be limited by the restrictions of common law rules of evidence.

(v) In the case wherein it is advisable and practicable, the review board may, at the request of the examiner, or upon its own motion, request The Surgeon General to detail one or more medical officers to make physical examination of the applicant, if available, and report their findings resulting from such examination with respect to the matters at issue, either in person or by affidavit. When testifying in person at a hearing, such medical witnesses will be subject to cross-examination. Similarly the medical members of the board may examine the applicant, if available, and testify as witnesses concerning the results of such examination.

(vi) Expenses incurred by the applicant, his witnesses, or in the procure-

ment of their testimony, whether in person, by affidavit or by deposition will not be paid by the Government.

(3) *Continuances.* The review board may continue a hearing on its own motion. A request for continuance by the examiner or by or on behalf of the applicant may be granted, if in the board's discretion, a continuance appears necessary to insure a full and fair hearing.

(c) *Findings, conclusions, and directions.*—(1) *Findings, conclusions, and directions of review board.* (i) The review board will make written findings in closed session in each case. Such findings will include:

(a) Statement of complete findings of the retiring or disposition board and of administrative action subsequent thereto in the proceedings under review;

(b) A finding affirming or reversing the findings of such retiring or disposition board or such administrative action, specifying which of the findings or administrative actions are affirmed and which are reversed.

(ii) In the event the review board reverses any of such original findings or administrative actions, the review board will then make complete findings which shall include the affirmed findings of the original board or of administrative action subsequent thereto. Such complete findings shall include the following:

(a) Whether the applicant was permanently incapacitated for active service at the time of his separation from the service or release to inactive service.

(b) The cause or causes of the incapacity.

(c) The approximate date of origin of each incapacitating defect.

(d) The date officer became incapacitated for active service.

(e) Whether the cause or causes of the incapacity was or was not an incident of service.

(f) Whether the cause or causes of the incapacity had been permanently aggravated by military service.

(g) Whether such incapacity for active service was or was not the result of an incident of service.

(h) Whether the officer's incapacity was or was not incurred in combat with an enemy of the United States or whether it did or did not result from an explosion of an instrumentality of war in line of duty.

(iii) In the event the review board finds the officer permanently incapacitated for active service and that the incapacity was an incident of service, it will make an additional finding specifying the grade in which the officer is entitled to be retired or to be certified for retirement pay benefits.

(iv) The findings, conclusions, and directions of a majority of the review board shall constitute the findings, conclusions, and directions of the review board, and when made, will be signed by each member of the review board who concurs therein, filed, and authenticated by the secretary.

(d) *Disposition of and action upon proceedings.*—(1) *Record of proceedings.* (i) When the review board has concluded its proceedings in any case, the secretary will prepare a complete record thereof. Such record shall include the application

for review: a transcript of the hearing, if any; affidavits, papers and documents considered by the review board; all briefs and written arguments filed in the case; the report of the examiner; the findings, conclusions, and directions of the review board; any minority report prepared by dissenting members of the review board; and all other papers and documents necessary to reflect a true and complete history of the proceedings. The record so prepared will be signed by the president of the review board and authenticated by its secretary as being true and complete. In the event of the absence or incapacity of the secretary, the record may be authenticated by a second participating member of the review board.

(ii) All records of proceedings of the review board shall be confidential, except that upon written request from the applicant, his guardian or legal representative, The Adjutant General will furnish a copy of the proceedings of the review board, less any exhibits which it may be found impracticable to reproduce but which will include:

(a) A copy of the order appointing the board.

(b) The findings of the army retiring board affirmed.

(c) The findings of the army retiring board reversed.

(d) The findings of the review board.

(e) The conclusions which were made by the review board.

(f) The directions of the Secretary of the Army.

If it should appear that furnishing such information would prove injurious to the physical or mental health of the applicant, such information will be furnished only to the guardian or legal representative of the applicant. The Adjutant General, subject to the foregoing restrictions, will make available for inspection, upon request of the applicant, his guardian or legal representative, a record of the proceedings of any case reviewed by the review board, but copies of the proceedings of any case heard prior to 4 January 1946 will not be furnished if such copies are not readily available.

(2) *Final action by review board.* When the review board has completed the proceedings and has arrived at its decision, the proceedings, together with the review board's decision, will be transmitted to The Adjutant General for appropriate Department of the Army action. The Adjutant General, in the name of the President of the United States, will indicate on the record of such proceedings and decision the President's approval or disapproval of the action of the review board, and will perform such administrative acts as may be necessary and thereafter will notify the applicant and/or his counsel of the action taken. Written notice, specifying the action taken and the date thereof, will be transmitted by The Adjutant General to the president of the review board to be filed by the secretary as a part of the records of the board pertaining to each case.

(e) *Rehearings—(1) Policy on the granting of rehearings.* After the review board has reviewed a case and its findings and decision have been approved,

the case will normally not be reconsidered except on the basis of new, pertinent, and material evidence, which if previously considered could reasonably be expected to have caused findings and a decision other than those rendered as the result of the original review. An application for rehearing must be made within a reasonable time after the discovery of the new evidence, mentioned above, and the request for rehearing must be accompanied by such new evidence and by a showing that the applicant was duly diligent in attempting to secure all available evidence for presentation to the review board when his case was previously reviewed and that the reason for the delay in discovering such new evidence was not due to fault or neglect on the part of the applicant.

(2) *Application for rehearing.* Any officer desiring a rehearing of his case will make a written application therefor on WD AGO Form 0413 (Application for Review of Findings of the Army Disability Review Board) which may be obtained from The Adjutant General, Washington 25, D. C., Attention: AGPO-S-D. (Sec. 302, 58 Stat. 287, sec. 4, 59 stat. 623; 38 U. S. C. 693i) (DA Memo 400-80-1, Sept. 15, 1948)

§ 581.2 *Army Discharge Review Board—(a) Constitution, purpose, and jurisdiction of the board.* (1) The Army Discharge Review Board is an administrative agency created within the Department of the Army under authority of sec. 301, 58 Stat. 286; 38 U. S. C. 693h, to review, upon its own motion or upon application by or on behalf of the individual concerned, the type and nature of the discharge certificate or other documentary evidence of discharge or dismissal of former members of the Military Establishment. The scope of the inquiry of the board shall be to determine whether the type of discharge received was equitably and properly given. When the board determines in an individual case that the type of discharge was not equitably and properly given, it is authorized, in the manner herein prescribed, to direct The Adjutant General to take appropriate action, that is, to change, correct, or modify any discharge or dismissal, and to issue a new discharge, such direction being subject to review and modification by the Secretary of the Army. Such remedial action is intended primarily to insure that no discharged or dismissed former member of the Military Establishment shall be deprived unjustly of any benefit provided by law for former members of the military service by reason of a type of discharge or dismissal inequitably or improperly given.

(2) The board shall not review a discharge or dismissal given by reason of the sentence of general court-martial.

(3) The board has no authority to revoke any discharge or dismissal, to reinstate any person in the military service subsequent to his discharge or dismissal, or to recall any person to active duty.

(b) *Application for review.* (1) The applicant for review will submit a written request for a review by the board, with the certificate of discharge or dismissal in question, if available, and

such other statements or affidavits as he desires to present.

(2) The request should be made on WD AGO Form No. 94, which may be obtained from The Adjutant General, Washington 25, D. C. The request should state in brief: The full name, army serial number, and rank and organization or assignment at date of discharge of the person whose discharge or dismissal is in question; the date and place of discharge; the type and nature of the discharge or dismissal; the basis of the claim for review; what corrective action is desired of the board; whether the applicant desires to appear personally before the board; whether the applicant desires to be represented by counsel before the board; and if so, the name and address of counsel so designated; whether such appearance of applicant, or counsel, or both, is desired to be before the board in Washington, D. C., St. Louis, Missouri, or San Juan, Puerto Rico; and the address to which all correspondence in connection with the review is to be sent.

(3) The request will be signed by the applicant or by a surviving spouse, next of kin, or legal representative. Proof of death must accompany the request. If the applicant is mentally incompetent, his or her spouse, next of kin, or legal guardian will sign the request. Such request must be accompanied by legal proof of the mental incompetency.

(4) No application for review will be granted unless received by the Department of the Army prior to 22 June 1959, or within fifteen years after the effective date of the discharge or dismissal of the former service man or woman concerned, whichever date is the later.

(5) The request for review will be forwarded either to:

The Adjutant General
Washington 25, D. C.

or

Personnel Records Center, A. G. O.
4300 Goodfellow Boulevard
St. Louis 20, Missouri.

If the applicant is a resident of Puerto Rico, the request should be forwarded to:

Army Discharge Review Board
Headquarters U. S. Army Forces, Antilles
APO 851, c/o Postmaster, Miami, Florida.

(6) Upon receipt of an application The Adjutant General will assemble the originals or certified copies of all available Department of the Army records pertaining to the former service man or woman named in such application. Such records, together with the application and any supporting documents, will be transmitted to the president of the board.

(c) *Proceedings of Board—(1) Convening of board.* The board will be convened at the call of the president and will recess or adjourn at his order. In the event of the absence or incapacity of the president, the next senior member will serve as acting president for all purposes.

(i) Unless otherwise designated by the president, the board will convene in Washington, D. C., at the time and place indicated by him. Panels of the board currently convene in Washington, D. C., St. Louis, Mo., and San Juan, P. R.

(ii) The board will assemble in open or closed session for the consideration and determination of cases presented to it. Cases in which no request for hearing is made by the applicant will be considered in closed session on the basis of all documentary evidence presented to the board; that is, any briefs submitted by or on behalf of the applicant.

(2) *Hearings.* An applicant for review, upon request, is entitled by law to appear before the board in open session either in person or by counsel of his own selection. As used in the regulations in this part, the term "counsel" shall be construed to include members of the Federal bar in good standing, the bar of any state in good standing, accredited representatives of veterans' organizations recognized by the Veterans' Administration under section 200 of the act of June 29, 1936 (sec. 200, 49 Stat. 2031; 38 U. S. C. 101) and such other persons who, in the opinion of the board, are considered to be competent to present equitably and comprehensively the claim of the applicant for review. In no case will the expenses or compensation of counsel for the applicant be paid by the Government. However, sufficient office space and suitable office facilities will be furnished for the use of paid full-time representatives of recognized veterans' organizations.

(i) In every case in which a hearing is requested the secretary will transmit to the applicant and to designated counsel for the applicant, if any, a written notice stating the time and place of hearing. Such notice shall be mailed at least thirty days prior to the date of hearing. The applicant may waive such time limit and an earlier hearing date may be set by the secretary. The record shall contain the certificate of the secretary that written notice was given applicant and his counsel, if any, and the time and manner thereof.

(ii) An applicant who requests a hearing and who, after being duly notified of the time and place of hearing, fails to appear at the appointed time, either in person or by counsel, thereby waives his right to be present.

(3) *Conduct of hearing.* (i) Conduct of hearing will be, insofar as practicable, as provided in section II, AR 420-5, except that neither the applicant nor his counsel will have access to any classified reports of investigation or papers related thereto or any document received from the Federal Bureau of Investigation. When it is necessary to acquaint the applicant with the substance of a document, such as above described, the Director of Intelligence, General Staff, U. S. Army, on the request of the board, will prepare a summary of, or extract from, the document deleting all references to sources of information and other matter the disclosure of which, in his opinion, would be detrimental to the public interest. Such summary then may be made available without classification to the applicant or his counsel.

(ii) In the conduct of its inquiries, the board shall not be limited by the restrictions of common law rules of evidence.

(iii) The testimony of witnesses may be presented either in person or by affidavits. If a witness testifies in person

he shall be subject to examination by members of the board.

(iv) The board may continue a hearing on its own motion. A request for continuance by or on behalf of the applicant may be granted, in the board's discretion, if a continuance appears necessary to insure a full and fair hearing.

(v) The board may at its discretion and for good cause shown, permit an applicant to withdraw his request for review without prejudice at any time before the board begins its deliberations.

(vi) Expenses incurred by the applicant, his witnesses or in the procurement of their testimony whether in person, by affidavit or by deposition, will not be paid by the Government.

(d) *Composition of Board.*—(1) *Members.* The board will consist of five or more officers designated by the Secretary of the Army. The senior member shall be president of the board.

(i) The same five members of the board will sit throughout the open and closed hearing of each individual case.

(ii) Upon request of the president, the Secretary of the Army will detail for service with the board such additional personnel as may be deemed necessary for the proper performance of the duties of the board, including personnel detailed to perform the duties prescribed herein.

(iii) Such additional boards as may be required will be designated by the Secretary of the Army.

(2) *Secretary.* It will be the duty of the secretary to:

(i) Examine applications and, when necessary, obtain from the applicant or from Department of the Army records such additional data as may be required to furnish complete information to the board.

(ii) Maintain custody of all records of the board and all documents transmitted to and filed with it.

(iii) Establish and maintain a docket of all cases to include docket number assigned to each case, date of receipt of application in the Department of the Army, date and nature of all procedural action taken, and final disposition.

(iv) Act as recorder within the meaning of Article of War 114.

(v) Perform such administrative duties as are required in connection with the proceedings of the board or as may be prescribed by the president.

(vi) The Secretary will not collect evidence, present cases to the board, examine witnesses, or serve as counsel for the Government or the applicant.

(3) *Examiners.* It will be the duty of the examiners to examine all Department of the Army records and all contentions and evidence submitted by the applicant and that revealed by the official Department of the Army file pertaining to each case and prepare a written brief containing a complete and impartial summary of the pertinent facts disclosed by such examination. Such brief will be prepared before the board convenes in closed session to consider the case. Such brief shall be informational in character only. The following shall be set forth separately:

(i) Pertinent facts disclosed by Department of the Army records;

(ii) Propositions advanced by the applicant;

(iii) Evidence presented in support of subdivision (ii) of this subdivision.

The restrictions of subparagraph (2) (vi) of this paragraph apply to examiners.

(4) *Reporter.* It will be the duty of the reporter to record the proceedings of the board in open session and the testimony taken before it. Shorthand may be used in the initial instance.

(e) *Findings, conclusions, and directions.* (1) The board will make written findings in closed session in each case. The findings will indicate the salient points on which the board bases its conclusions.

(2) On the basis of its findings in each case the board, in closed session, will prepare written conclusions as to whether corrective action should be taken by the Department of the Army with respect to the discharge under consideration. No corrective action which exceeds the jurisdiction of the board, as defined in paragraph (a) of this section, will be taken.

(3) The findings and conclusions of a majority of the board shall constitute the findings and conclusions of the board.

(4) Minority reports will be in accordance with paragraph 27, AR 420-5.

(5) The president or acting president of the board will, in the name of the Secretary of the Army, issue a directive to The Adjutant General specifying the action to be taken.

(f) *Disposition of proceedings.*—(1) *Record of proceedings.* (i) When the board has concluded its proceedings in any case, the secretary will prepare a complete record thereof. Such record shall include the application for review; a transcript of the hearing, if any; affidavits, papers and documents considered by the board; all briefs and written arguments filed in the case; the report of the examiner; the findings and conclusions of the board and the directive to The Adjutant General; any minority report prepared by dissenting members of the board; and all other papers and documents necessary to reflect a true and complete history of the proceedings. The record so prepared will be signed by the president and authenticated by the secretary as being true and complete. In the event of the absence or incapacity of the Secretary, the record may be authenticated by a second participating member of the board.

(ii) All records of proceedings of the board shall be confidential but shall be open to perusal by the Administrator of Veterans' Affairs or his duly authorized representative.

(2) *Transmittal of records and action by The Adjutant General.* The record of proceedings in each case, including a transcript of the testimony before the board, will be transmitted in duplicate by the secretary to The Adjutant General for appropriate Department of the Army action to be taken to carry out the directions of the board. The Adjutant General will perform such administrative acts as may be necessary and there-

after will notify the applicant and his counsel, if any, of the action taken. Written notice specifying the action taken, and the date thereof, will be transmitted by The Adjutant General to the president of the board to be filed by the secretary as a part of the records of the board pertaining to each case. The Adjutant General will, upon written request from the applicant, his guardian or legal representative, furnish a copy of a transcript of the testimony, a copy of the findings and conclusions of the Army Discharge Review Board, and a copy of the directive of the Secretary of the Army. If it should appear that furnishing a copy of the transcript of the testimony and findings and conclusions of the board would prove injurious to the physical or mental health of the applicant, such information will be furnished only to the guardian or legal representative of the applicant.

(g) *Consideration on the Board's own motion.* The board may on its own motion consider and determine a case which appears on the face of the record likely to result in a decision favorable to the former soldier and does so result without the knowledge or presence of the former soldier. If such a case does not result in a decision favorable to the former soldier, it shall be returned to the files with no formal action recorded and will be considered without prejudice if and when an appeal is made by the former soldier in question. If, upon consideration by the board on its own motion, such a case results in a decision favorable to the former soldier, The Adjutant General will be directed to notify the former soldier at his last known address.

(h) *Reconsideration, revision of procedure, and Army-Navy coordination.* (1) *Reconsideration.* When the board has formally considered the case of an applicant for review and its decision has been approved in the name of the Secretary of the Army, it will not open the case for a reconsideration unless the basis of the request for reconsideration indicates additional material evidence likely to result in a decision of the case contrary to the decision at the original hearing and not available to the board at said hearing. If, upon receipt of such evidence, the Board reconsiders the case, it will be governed by the same procedure as prescribed in paragraphs (c) to (f) (2) of this section, for original consideration.

(2) *Changes in procedure of Board.* The board may initiate recommendation for such changes in procedures as established herein as may be deemed necessary for the proper functioning of the board. Such changes will be subject to the approval of the Secretary of the Army.

(3) *Army-Navy Air Force coordination.* Provision will be made by the board for close liaison among the Army, Navy, and the Air Force, to include periodic joint conferences to discuss common problems and to study results of actions taken. Where it is apparent that divergent action is being taken that cannot be reconciled by the respective Army, Navy, and Air Force boards, the Armed Services Personnel Board will be advised.

(Sec. 301, 58 Stat. 236; 38 U. S. C. 693h) [DA Memo 400-5-3, July 23, 1943]

§ 581.3 *Army Board on correction of Military Records.* (a) The Army Board on Correction of Military Records, hereinafter referred to as the Board, is an administrative agency established in the Office of the Secretary of the Army pursuant to the provisions of section 207 of the Legislative Reorganization Act of 1946 which authorizes the Secretary of the Army to correct any military record where in his judgment such action is necessary to correct an error or to remove an injustice.

(b) Section 131 of the Legislative Reorganization Act cited in paragraph (a) of this section, provides that no bill authorizing or directing the correction of a military record shall be received or considered in either the Senate or the House of Representatives. This legislative mandate gives to the Secretary of the Army the same jurisdiction as heretofore possessed by Congress in this respect.

(c) *Undue delay as bar to relief.* An application for the correction of a military record as provided in section 207 may be refused by the Board on the ground that there has been undue delay in filing the application.

(d) *Application for relief.* (1) The applicant for relief will submit a written request to the Secretary of the Army, Attention: Army Board on Correction of Military Records. The request should be made on WD AGO Form 562, which may be obtained from The Adjutant General, Attention: AGPI, Washington 25, D. C.

(2) The application shall include:

(i) The full name, Army serial number, grade and organization or assignment of the person whose military record is involved.

(ii) A description of the military record sought to be corrected.

(iii) A particular description of the alleged error or injustice sought to be corrected or removed.

(iv) The reasons in support of the relief requested.

(v) The full name and address of counsel if the applicant desires to be so represented.

(vi) A request for a hearing before the Board in Washington, D. C., if the applicant so desires.

(vii) The full name and address of any witness or witnesses whose testimony the applicant may desire the Board to consider at the hearing. The nature of each witness' testimony, or the principal facts concerning which he will testify, should be indicated.

(viii) Any statements or affidavits from persons other than the applicant in support of the request for relief.

(ix) Signature of the applicant.

(3) The application shall be executed under oath or shall contain a provision that the statements submitted in the application, as part of the claim, are made with full knowledge of the penalty provided for making a false statement.

(4) Upon request of the Board, The Adjutant General will assemble the originals or certified copies of all available Department of the Army records pertinent to the relief requested. Such

records together with the application and all supporting documents will be transmitted to the Chairman of the Board.

(e) *Proceedings of Board.* (1) The Board will be convened at the call of the Chairman and will recess or adjourn at his order.

(2) The Board will assemble in open or closed session for the consideration and determination of cases presented to it. Cases in which no request for hearing is made by the applicant will be considered in closed session on the basis of all documentary evidence presented to it, and any briefs submitted by or on behalf of applicant.

(3) A reporter will record the proceedings of the Board in open session and the testimony taken before it.

(f) *Hearings.* (1) An applicant for the correction of a military record, upon request, shall be entitled to appear before the Board in open session, either in person or by counsel of his own selection. At the discretion of the Board, the applicant may present witnesses to testify in support of his claim. As used in this section, the term "counsel" will be construed to include members of the Federal bar in good standing, the bar of any State in good standing, accredited representatives of veterans' organizations recognized by the Veterans' Administration under section 200 of the act of June 29, 1936 (Pub. Law 844, 74th Cong.), and such other persons who, in the opinion of the Board, are considered to be competent to present equitably and comprehensively the claim of the applicant for review. In no case will the expenses of the applicant or expenses or compensation of witnesses or counsel for the applicant be paid by the Government.

(2) In each case in which hearing is requested the Board will transmit to the applicant and to designated counsel for the applicant, if any, a written notice stating the time and place of hearing. Such notice will be mailed at least 15 days prior to the date of hearing to the applicant and his counsel, if any. It will be the responsibility of the applicant to notify his witnesses, if any. The applicant may waive such time limit and an earlier date may be set by the Board. The record will contain evidence that written notice was given the applicant and his counsel, if any, and the time and manner thereof.

(3) An applicant who requests a hearing and who, after being duly notified of the time and place of hearing, fails without cause to appear at the appointed time, either in person or by counsel, shall be deemed to have waived his right to be present, and the Board will have authority to proceed with the consideration and determination of the case.

(4) The hearing will be conducted so as to insure a full and fair inquiry. Neither the applicant nor his counsel will have access to any classified papers or reports of investigation or papers related thereto or any document received from the Federal Bureau of Investigation. When it is necessary to acquaint the applicant with the substance of a document, such as above described, the Director of Intelligence, General Staff, U. S.

Army, or other appropriate official, on the request of the Board, will prepare a summary of, or extract from, the document deleting all references to sources of information and other matter the disclosure of which, in his opinion, would be detrimental to the public interest. Such summary then may be made available without classification to the applicant or his counsel.

(i) The Board will not be limited by the restrictions of common law rules of evidence.

(ii) In order to justify correction of a military record, it is incumbent on the petitioner to show to the satisfaction of the Board, or it must otherwise satisfactorily appear, that the alleged entry or omission in the record was in error or unjust under directives, standards, administration, and practice either existing at the time, or subsequently changed in the petitioner's favor, effective retroactively. The directives, standards, administration, and practice in this section contemplated are those stated in statutes, regulations, manuals, directives of the Department of the Army and other appropriate authority, together with interpretations thereof by the courts, the Attorney General, the Comptroller General and of The Judge Advocate General.

(iii) The testimony of witnesses will be under oath administered by the presiding officer or by affidavit. If a witness testifies in person he will be subject to examination by members of the Board.

(iv) The Board may continue a hearing on its own motion. A request for continuance by or on behalf of the applicant may be granted by the Board if a continuance appears necessary to insure a full and fair hearing.

(v) The Board may, at its discretion and for good cause shown, permit an applicant to withdraw his application without prejudice at any time before the Board makes its final recommendation.

(g) *Scope of inquiry.* (1) Unless directed by the Secretary of the Army, the Board shall not review any case involving the sentence of a general court-martial or any case wherein final action has been taken by the President of the United States, the Secretary the Under Secretary, or the Assistant Secretary of the Army. No application will be considered until the applicant has exhausted all remedies afforded him by existing law or regulations.

(2) It shall be adequate ground for denial of any application that effective relief cannot be granted or that a sufficient basis for review has not been established.

(3) The right to apply to the Board for relief shall not operate as a stay of any proceedings taken against the person involved.

(h) *Findings, conclusions, and recommendations.* (1) The Board will make findings in writing in each case. The findings and conclusions of a majority of the Board will constitute the findings and conclusions of the Board.

(2) In case of a disagreement between members of the Board a minority report may be submitted, either as to the findings, or to the recommendations, or

to both. The reasons for the minority report will be clearly stated.

(3) The Chairman of the Board will, in the name of the Board, recommend to the Secretary of the Army such action as may be necessary to carry into effect the determinations of the Board.

(i) *Disposition of proceedings.* (1) When the Board has concluded its proceedings in any case, the Board will prepare a complete record thereof. Such record will include the application for relief; a transcript of the hearing, if any; affidavits, papers, and documents considered by the Board; all briefs and written arguments filed in the case; the report of the examiner, if any; the findings and conclusions of the Board and its recommendation for corrective action; any minority report prepared by a dissenting member of the Board; and all other papers and documents necessary to reflect a true and complete history of the proceedings. The record so prepared will be signed by the Chairman as being true and complete.

(2) All records of proceedings of the Board in closed session will be confidential.

(j) *Transmittal of records and action by The Adjutant General.* Upon the approval of the Secretary of the Army, the record of proceedings and recommendations in each case will be transmitted to The Adjutant General or other proper authority for appropriate Department of the Army action. The Adjutant General will perform such administrative acts as may be necessary, and thereafter will notify the applicant and his counsel, if any, of the action taken. Written notice specifying the action taken and the date thereof will be transmitted by The Adjutant General to the Chairman of the Board.

(k) *Changes in procedure of Board.* The Board may initiate recommendation for such changes in procedure as established herein as may be deemed necessary for the proper functioning of the Board. Such changes will be subject to the approval of the Secretary of the Army. (Sec. 207, 60 Stat. 837, 5 U. S. C. 191a, 275, 456a) [WD Memo 400-20-2, Apr. 17, 1947]

PART 582—DISCHARGE OR SEPARATION FROM SERVICE

Sec.

582.1 Discharge because of minority.

582.2 Discharge because of dependency or hardship.

582.3 Discharge for national health, safety, or interest.

§ 582.1 *Discharge because of minority—(a) Authority.* (1) Subsection 6 (1) of the Selective Service Act of June 24, 1948 (Pub. Law 759—80th Cong.) provides that notwithstanding any other provisions of law, no person between the ages of 18 and 21 shall be discharged from service in the armed forces of the United States while this title is in effect because such person entered such service without the consent of his parent or guardian.

(2) The act of June 28, 1947 (Pub. Law 128—80th Cong.) provides that no person under the age of 18 years shall be enlisted without the written consent of his parents or guardian, and the Secre-

tary of the Army shall, upon application of the parents or guardian of any such person enlisted without their written consent, discharge such person from the military service with pay and with the form of discharge certificate to which the service of such person, after enlistment, shall entitle him.

(3) Subsection 106 (a) of the Women's Armed Services Integration Act of June 12, 1948 (Pub. Law 625—80th Cong.) provides that no person shall be enlisted in the Women's Army Corps of the Regular Army who has not attained the age of 18 years, and that no person under the age of 21 years shall be enlisted in such corps without the written consent of her parents or guardian, if any. Subsection 106 (b) of the mentioned act provides that the Secretary of the Army, under such regulations as he may prescribe, may terminate the enlistments of any enlisted woman in the Women's Army Corps, and each person whose enlistment is so terminated shall be discharged from the Army.

(b) *Application of laws.* (1) No enlisted man between the ages of 18 and 21 years shall be discharged from the service because he entered such service without the consent of his parent or guardian.

(2) An enlisted man who was under 17 years of age or an enlisted woman who was under 18 years of age at the time of enlistment or induction, will be discharged when it is discovered that such person is under the age of 18 years or 21 years, respectively. Satisfactory evidence as to date of birth is required.

(3) Subject to the provisions of subparagraph (1) of this paragraph, an enlisted man 17 years of age at the time of enlistment and who enlisted without the written consent of his parents or guardian will be discharged upon application of the parents or guardian and presentation of satisfactory evidence as to date of birth. An enlisted man who enlisted when 17 years of age with the written consent of his parents or guardian will not be discharged.

(4) An enlisted woman between the ages of 18 years and 21 years at the time of enlistment and who enlisted without the written consent of her parents or guardian will be discharged upon application of the parents or guardian and presentation of satisfactory evidence as to date of birth: *Provided*, That no such woman will be discharged under this section after reaching the age of 21 years.

(c) *Evidence required.* (1) In support of an application for discharge under the provisions of the regulations in this paragraph, the following evidence of age is required:

(i) A duly authenticated copy of a municipal or other official record of the birth of the individual, or

(ii) If no official record of the birth of the enlisted man can be obtained, an affidavit of the parent or guardian must be furnished stating specifically why an official record cannot be obtained. This affidavit must be accompanied by

(a) A baptismal certificate, a certified photostatic copy of school records, preferably the first term of school, or in the affidavit of the physician or midwife in

attendance at the birth of the individual or

(b) Affidavits of at least two persons not related to the enlisted man, testifying from their own personal knowledge as to the date of his birth.

(2) In case of an enlistment under an assumed name, the identity of the individual with the person mentioned in the record of birth or the affidavits must be shown by the affidavit of the parent or legal guardian.

(3) Birth or baptismal certificates will be scrutinized carefully for alterations other than those made officially. Care will be taken to note the "date of filing." A delayed birth certificate with a date of filing subsequent to 31 December 1936, or one with no filing date, is not acceptable unless supported by the evidence required by the State to establish the date and place of filing.

(4) If the parents are divorced, the application for discharge must be accompanied by a copy of the court order or other evidence showing the parent submitting application has custody of the enlisted man. If either parent has lost control of the enlisted man by judgment of a court, appointment of a guardian, desertion of family, or waiver, such parent has no right to apply for discharge of the enlisted man.

(5) While a guardian is not usually recognized as such unless legally appointed, nevertheless when a person has assumed support of a minor and performed the duties of guardian for some years after the death of parents, that person is recognized as a guardian even though not formally appointed. (Pub. Law 759, 80th Cong., 61 Stat. 191; 10 U. S. C. Sup. 628) [AR 615-362, May 14, 1947]

§ 582.2 *Discharge because of dependency or hardship*—(a) *Authority*—(1) *Dependency*. When by reason of death or disability of a member of the family of an individual, occurring after his enlistment, members of his family become principally dependent upon him for care or support, he may, in the discretion of the Secretary of the Army, be discharged.

(2) *Hardship*. When under circumstances not involving death or disability of a member of the family of an individual, where his discharge will materially affect the care or support of his family by alleviating undue hardship, he may, in the discretion of the Secretary of the Army, be discharged.

(b) *Application*. Any individual will be permitted to submit a written application for discharge for dependency or hardship. Such requests will be submitted as follows:

(1) Families of enlisted personnel not physically in the United States may submit requests for dependency or hardship discharge to The Adjutant General, War Department, Washington 25, D. C. Such requests should be supported by evidence required in paragraph (c) of this section.

(c) *Evidence required*. (1) The evidence required for dependency or hardship discharge should normally be in affidavit form. The evidence will show that either:

(i) As the result of the death or disability of a member of his family, the discharge of the individual concerned is necessary for the support or care of a member or members of his family, or

(ii) The individual or his family is undergoing hardships more severe than the hardships normally experienced by all members or families of members of the military service; that this hardship is not of a temporary nature and that the discharge of the individual will eliminate or materially alleviate the condition and that there are no means of alleviation readily available other than by such discharge.

(2) Affidavit or statements by or on behalf of a soldier's dependents, and by at least two disinterested agencies or individuals substantiating the dependency or hardship claim, may be accepted from responsible agencies or individuals having first-hand knowledge of the circumstances involved. If dependency or hardship is the result of the death of a member of a soldier's family occurring after his entrance into the service, a certificate or other valid proof of death should be furnished. If dependency or hardship is the result of disability of a member of the soldier's family occurring after his entrance into the service, a physician's certificate should be furnished showing specifically when such disability occurred and the nature thereof. There should also be furnished the names, ages, occupations, locations, and monthly incomes of members of the soldier's family, and reasons why these members cannot provide the necessary care or support of the soldier's family.

(d) *Policies governing discharges on account of dependency*. (1) The death or disability must be that of a member of the soldier's family and the person becoming dependent thereby must be a member of the soldier's family.

(2) For the purpose of discharge under this section the term "members of the family" includes only the following: Spouse, children, father, mother, brothers, sisters, any person who has stood in loco parentis to the soldier prior to entry into service.

(3) Death or disability occurring in the soldier's family is not sufficient ground for discharge on account of dependency unless it results in making a member of his family dependent upon him for care or support.

(4) When disease or disability of a member of the soldier's family existed prior to enlistment, but becomes aggravated after enlistment to such an extent as to make care or support by the enlisted person necessary, discharge under this section is authorized.

(5) Indebtedness to the Government or to an individual does not prevent discharge when the soldier is otherwise eligible.

(6) When an individual is under charges or in confinement he will not be discharged until his case has been properly disposed of. A sentence of confinement will be fully served unless sooner terminated by remission for mitigating causes arising from the soldier's own good conduct before a discharge for any cause may be given.

(7) When an individual is eligible for discharge under the provisions of this section, discharge will not be disapproved because his services are needed in his organization.

(8) Pregnancy of a soldier's wife is not disability for which discharge may be authorized. This does not preclude discharge on account of disability occurring as the result of pregnancy.

(e) *Policies governing discharges on account of hardship*. (1) Death or disability of dependents is not required as a condition for discharge under hardship conditions.

(2) Except in those cases where it is clearly evident that extreme and unforeseeable hardship conditions affecting members of the individual's family have arisen since his enlistment, a soldier will not be discharged for reasons of hardship. Applications for hardship discharge will be carefully scrutinized and doubtful cases referred to The Adjutant General for final action.

(3) For the purpose of discharge under this section the term "members of the family" includes only the following: Spouse, children, father, mother, brothers, sisters, any person who has stood in loco parentis to the soldier prior to his entry into the service.

(4) Undue hardship exists when the family of the individual concerned must endure real and unwarranted suffering as a result of his military status. Undue hardship does not necessarily exist solely because of altered present or expected income or because the soldier is separated from his family or must suffer the inconveniences normally incident to military service.

(5) Indebtedness to the Government or to an individual does not prevent discharge when the soldier is otherwise eligible.

(6) When an individual is under charges or in confinement he will not be discharged until his case has been properly disposed of. A sentence of confinement will be fully served unless sooner terminated by remission for mitigating causes arising from the soldier's own good conduct before a discharge for any cause may be given.

(7) When an individual is eligible for discharge under this section discharge will not be disapproved because his services are needed in his organization. (39 Stat. 187, 41 Stat. 775; 10 U. S. C. 652) [AR 615-362, May 14, 1947]

§ 582.3 *Discharge for national health, safety, or interest*—(a) *Delegation of authority to order discharge*. Authority to order discharge of individuals for the convenience of the Government is delegated to commanders:

(1) Based upon the individual's importance to national health, safety, or interest when specifically authorized by the Department of the Army. The discharge of an individual for this reason will be authorized only when recommended by a governmental agency authorized to make such a recommendation and determination.

(2) Based upon an individual's claim that, prior to induction, he was denied a procedural right as provided by the Selective Service Act of 1948 and was,

therefore, erroneously inducted. All requests for discharge under this provision will be forwarded to the officer exercising discharge authority and by him to the State Director of the Selective Service System of the State of the applicant's registration for his recommendation. The officer exercising discharge authority will discharge or retain the individual in the service in accordance with the recommendation made by the State Director of the Selective Service System. (R. S. 161, 5 U. S. C. 22) [AR 615-365, Oct. 27, 1948]

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-10092; Filed, Nov. 18, 1948;
8:49 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter IV—American Battle Monuments Commission

RECODIFICATION OF CHAPTER

That portion of the material submitted to the Division of the Federal Register by the American Battle Monuments Commission which conforms to the scope of the Code of Federal Regulations, 1949 Edition (see Chapter V of Title 32, *supra*) is reorganized and recodified as set forth below:

PART 401—PROCEDURES

Sec.

- 401.1 Erection of war memorials outside continental limits of United States.
401.2 Erection of war memorials on federally owned or controlled property in United States or Territories.

§ 401.1 *Erection of war memorials outside continental limits of United States.* American citizens, States, municipalities, or associations desiring to erect war memorials outside the continental limits of the United States should proceed as follows:

(a) Submit general idea of the memorial to the American Battle Monuments Commission, with a request for the tentative allocation of the site desired.

(b) When site is provisionally allocated prepare and submit the design of the monument, together with the inscription, for approval. The design of the monument will then be referred, in accordance with law, by the Commission to the National Commission of Fine Arts for their approval.

(c) After a site is allocated and the design and inscription approved, the American Battle Monuments Commission will take up with the foreign governments concerned the question of securing approval to the erection of the monument.

(d) When the approval of the foreign government is obtained the Commission will cooperate, if the people concerned so desire, in obtaining of ground and the erection of the monument. (Sec. 2, 60 Stat. 317; 36 U. S. C. 123)

§ 401.2 *Erection of war memorials on federally owned or controlled property in United States or Territories.* American or foreign citizens, States, municipalities, or associations desiring to erect war

memorials on federally owned or controlled property in the United States or in its Territories and possessions should proceed as follows:

(a) Submit general idea of the memorial to the American Battle Monuments Commission together with statement indicating concurrence in the project by the Executive department having jurisdiction.

(b) When site is definitely assigned, submit to the American Battle Monuments Commission for approval the design of the memorial, together with the inscriptions and description of materials. The design, if approved, will then be referred, in accordance with law, by the American Battle Monuments Commission to the National Commission of Fine Arts for its approval.

(c) If Congressional action is required to obtain grant of the site, all arrangements must be made with the appropriate members of the Congress by the sponsors of the memorial and not by the American Battle Monuments Commission.

(d) The Commission will require evidence that the maintenance of the memorial is assured in perpetuity at the expense of the sponsors and not of the Government. (Sec. 2, 60 Stat. 317; 36 U. S. C. 123)

PART 402—ERECTION OF WAR MEMORIALS IN FOREIGN COUNTRIES BY AMERICAN CITIZENS, STATES, MUNICIPALITIES, OR ASSOCIATIONS

§ 402.1 *Restrictions on erection.* (a) The policy of the Commission shall be to decline to approve any plans for memorials in foreign countries, proposed for erection by States, Municipalities, military organizations or private individuals of the United States, with the exception of memorials that will be useful to the inhabitants of the neighborhood in which they are to be erected, such as bridges, fountains, public buildings, gateways or other public improvements.

(b) No battlefield memorial will be erected to any unit smaller than a division, unless, in the opinion of the Commission, its services were of such a distinguished character as to warrant a separate memorial.

(c) It is the opinion of the Commission that, as a general rule, monuments should be erected to organizations rather than to the troops from a particular locality of the United States, (Sec. 2, 60 Stat. 317; 36 U. S. C. 123)

PART 403—ERECTION OF MEMORIAL MONUMENTS, BUILDINGS AND HEADSTONES IN AMERICAN CEMETERIES LOCATED OUTSIDE THE UNITED STATES AND ITS TERRITORIES AND POSSESSIONS

§ 403.1 *Restrictions on erection.* (a) No memorial monuments or buildings shall be placed in these cemeteries unless the design and site have been approved by the American Battle Monuments Commission. No steps toward the erection of any memorial monument or building in these cemeteries should be taken until the idea has first been approved by the American Battle Monuments Commission.

(b) There shall be no variation in the types of headstones officially adopted for use in American cemeteries located outside the United States and its territories and possessions. (Sec. 2, 60 Stat. 317; 36 U. S. C. 123)

THE AMERICAN BATTLE MONUMENTS COMMISSION,
ROBERT G. WOODSIDE,
Acting Chairman.

[F. R. Doc. 48-10075; Filed, Nov. 18, 1948;
8:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 434, Amdt. 2]

PART 95—CAR SERVICE

FREE TIME ON BOX CARS AT PACIFIC COAST PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of November A. D. 1948.

Upon further consideration of the provisions of Revised Service Order No. 434 (12 F. R. 8680) as amended (13 F. R. 4190) and good cause appearing therefor: *It is ordered*, That:

(a) Revised Service Order No. 434, as amended, be, and it is hereby, further amended by substituting the following paragraph (d) of § 95.434, *Free time on box cars at Pacific Coast ports*, for paragraph (d) thereof:

(d) *Expiration date.* This section shall expire at 7:00 a. m., May 1, 1949, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That this order shall become effective at 12:01 a. m., November 15, 1948; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W P BARTEL,
Secretary.

[F. R. Doc. 48-10086; Filed, Nov. 18, 1948;
8:48 a. m.]

[S. O. 550, Amdt. 5]

PART 95—CAR SERVICE

EMBARGO OF LAKE-CARGO COAL, APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of November A. D. 1948.

Upon further consideration of Service Order No. 550 (11 F. R. 7897), as amended (11 F. R. 8597, 14459; 12 F. R. 2926, 7007), and good cause appearing therefor: It is ordered, that:

Section 95.550, *Embargo of lake-cargo coal; appointment of agent*, of Service Order No. 550, be, and it is hereby further amended by substituting the following paragraph (f) for paragraph (f) thereof.

(f) *Expiration date.* This section shall expire at 11:59 p. m., March 31, 1949, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., November 19, 1948, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17) 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-10082; Filed, Nov. 18, 1948; 8:48 a. m.]

[S. O. 551, Amdt. 5]

PART 95—CAR SERVICE

HAMPTON ROADS, VA., COAL, APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of November A. D. 1948.

Upon further consideration of Service Order No. 551 (11 F. R. 7897), as amended (11 F. R. 14469; 12 F. R. 1518, 2926, 7008) and good cause appearing therefor: It is ordered, that:

Section 95.551, *Hampton Roads, Va., coal; appointment of agent*, of Service Order No. 551 be, and it is hereby further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., March 31, 1949, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., November 19, 1948; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of

No. 226—8

this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-10083; Filed, Nov. 18, 1948; 8:48 a. m.]

[Rev. S. O. 552, Amdt. 3]

PART 95—CAR SERVICE

CONTROL TIDEWATER COAL; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of November A. D. 1948.

Upon further consideration of Revised Service Order No. 552 (12 F. R. 5670, 6926) (13 F. R. 3970) and good cause appearing therefor: It is ordered, that:

Section 95.552, *Control tidewater coal; appointment of agent*, of Service Order No. 552, be, and it is hereby further amended by substituting the following paragraph (h) for paragraph (h) thereof:

(h) *Expiration date.* This section shall expire at 11:59 p. m., March 31, 1949, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., November 19, 1948; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-10084; Filed, Nov. 18, 1948; 8:48 a. m.]

[S. O. 552, Amdt. 4]

PART 97—ROUTING OF TRAFFIC

REROUTING OF TRAFFIC; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C.; on the 12th day of November A. D. 1948.

Upon further consideration of the provisions of Service Order No. 562 (11 F. R. 8286), as amended (12 F. R. 47, 2927, 7888) and good cause appearing therefor: It is ordered, That:

Service Order No. 562, as amended be, and it is hereby, further amended by substituting the following paragraph (h) of § 97.562, *Rerouting of freight traffic and empty cars; appointment of agent*, for paragraph (h) thereof:

(h) *Expiration date.* This section shall expire at 11:59 p. m., May 25, 1949, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., November 24, 1948; that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, upon all common carriers by railroad subject to the Interstate Commerce Act, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17) 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-10085; Filed, Nov. 18, 1948; 8:48 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF REFINED SUGAR

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520 of this chapter, *infra*.

[General Permit ODT 18A, Rev. 46]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF REFINED SUGAR

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.547 *Shipments of refined sugar.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034,

2386; 13 F. R. 2971) or in Item 871 of Special Direction ODT 18A-1, as amended (8 F. R. 14481, 9 F. R. 117, 7585; 10 F. R. 12456, 12747; 11 F. R. 9084, 10662, 12183; 12 F. R. 105; 13 F. R. 779, 2174, 3278, 5238, 6286) any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of refined sugar in any type of container, when such carload freight is billed direct to a customer, and is loaded to a weight not less than 60,000 pounds.

This General Permit ODT 18A, Revised-46, shall become effective November 18, 1948, and shall expire February 28, 1949

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 53 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong., 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641, E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 16th day of November 1948.

J. M. JOHNSON,
Director

Office of Defense Transportation.

[F. R. Doc. 48-10097; Filed, Nov. 18, 1948; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 24—WEST CENTRAL REGION NATIONAL WILDLIFE REFUGES

DEER HUNTING IN UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGES

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service it has been determined that the population of deer on and in the vicinity of the Upper Mississippi River Wildlife and Fish Refuge is in excess of the available habitat and that, consistent with good wildlife management, the necessary reduction of the deer population can best be accomplished by public hunting.

Section 24.919b is amended to read:

§ 24.919b *Upper Mississippi River Wildlife and Fish Refuge; deer hunting.* Deer may be taken on the hereinafter specified lands within the Upper Mississippi River Wildlife and Fish Refuge during the 1948 open season only for the State wherein the hunting occurs, subject to the following provisions, conditions, restrictions, and requirements:

(a) *Area open to deer hunting.* All of the lands within the Upper Mississippi River Wildlife and Fish Refuge shall be open to the hunting of deer except the areas specifically scheduled in § 24.919a.

(b) *Entry.* Entry on and use of the Refuge are governed by § 24.919 and Part 12 of this chapter, and strict compliance therewith is required. Hunters must follow such routes of travel within the Refuge as are designated by posting.

(c) *State laws.* Strict compliance with State laws and regulations is required, and any person who hunts on the Refuge must have in his possession and exhibit at the request of any authorized Federal or State officer a valid State hunting license and permit for the taking of deer if such is required by the State laws and regulations. The license and permit will serve as a Federal permit for entry on the Refuge for the purpose of hunting deer.

(d) *Cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting area and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting.

(18 U. S. C. 41, sec. 4, 60 Stat. 1091, sec. 6, 43 Stat. 650; Reorg. Plan No. II of 1939, sec. 4 (f))

Dated: November 15, 1948.

OSCAR L. CHAPMAN,
Under Secretary of the Interior

[F. R. Doc. 48-10073; Filed, Nov. 18, 1948; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 974]

[Docket No. AO-176-A5]

HANDLING OF MILK IN COLUMBUS, OHIO, MARKETING AREA

NOTICE OF HEARING CONCERNING PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq., 12 F. R. 1159, 4904) notice is hereby given of a public hearing to be held at the Virginia Hotel, Gay and Third Streets, Columbus, Ohio, beginning at 10:00 a. m., e. s. t., November 23, 1948, for the purpose of receiving evidence with respect to proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Columbus, Ohio, milk marketing area (7 CFR, Supps. 974.0 et seq., 11 F. R. 1081, 9424, 12 F. R. 4245, 13 F. R. 2331, 5021) These proposed amendments have not

received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to the economic and emergency conditions which relate to the proposed amendments hereinafter set forth.

The following amendments have been proposed by The Central Ohio Cooperative Milk Producers, Inc..

1. Amend § 974.5 (b) by deleting the second proviso contained therein and to provide that the prices for Class I, Class II, and Class III milk for a limited period in 1948 and 1949 but not beyond March 1949, shall not be less than the prices in effect for such classes of milk in September 1948.

Copies of this notice of hearing and the tentative marketing agreement, and the order, as amended, now in effect, may be procured from the Market Administrator, Room 41, Old Federal Building, Columbus, Ohio, or from the Hearing Clerk, United States Department of Agriculture, Room 1844, South Building, Washington 25, D. C., or may be there inspected.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator.

NOVEMBER 16, 1948.

[F. R. Doc. 48-10077; Filed, Nov. 18, 1948; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 202]

FORMS OF REPORTS OF FINANCIAL AND OPERATING STATISTICS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board ("Board") has under consideration the proposed addition to the Economic Regulations Part 202, "Accounts, Records and Reports," § 202.1 *Forms of reports of financial and operating statistics* (14 CFR 202.1) of a revision of paragraph (a) and of a new paragraph (d) requiring Alaskan Air Carriers, other than those holding certificates of public convenience and necessity, and Alaskan Pilot Owners, to file certain periodic reports of financial and operating statistics with the Board. These reports will be distinct from the reports now required of Irregular Air Carriers. Scheduled Alaskan Air Carriers are presently required to file reports on Form CAB 41, under § 202.1 (a) unless a waiver has been granted. Where waivers are granted certificated Alaskan Air Carriers, the new report forms must be used. Paragraph (a) is being revised to make it applicable to air carriers holding certificates of public convenience and necessity instead of just to "scheduled air carriers" since it is now intended to apply also to unscheduled air transportation if

the carrier holds a certificate as in the case of certificated Alaskan Air Carriers.

The proposed new paragraph (d) is set forth in the attached proposed rule.

This regulation is proposed under authority of sections 205 (a) and 407 of the Civil Aeronautics Act of 1938, as amended. (52 Stat. 984, 1000; 49 U. S. C. 425, 487)

Interested persons may participate in the proposed rule-making through the submission of written data, views or arguments pertaining thereto, in duplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C.. *Provided*, That all Alaskan Air Carriers shall submit their comments to the Director, Alaska Office, Civil Aeronautics Board, Anchorage, Alaska. All relevant matter in communications received on or before December 17, 1948, will be considered by the Board before taking final action on the proposed rule.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

It is proposed to amend the Economic Regulations § 202.1 *Forms of reports of financial and operating statistics*, as follows:

1. By revising paragraph (a) to read as follows:

(a) *Air carriers holding certificates of public convenience and necessity.* Each air carrier holding a certificate of public convenience and necessity shall make periodic financial and statistical reports to the Board using the appropriate schedules of the Report of Financial and Operating Statistics for Air Carriers, CAB Form 41; Interim Operating Statement and Selected Expenses, CAB Form 41 (a) and such amendments thereto as may hereafter be approved by the Board. Such reports shall be made in accordance with, and shall be filed with the Secretary of the Board at such times as are specified in the instructions relating to reporting procedure contained in the Uniform System of Accounts for Air Carriers, effective January 1, 1947, and such amendments thereto as may hereafter be approved by the Board.

2. By adding the following new paragraph (d)

(d) *Alaskan air carriers.* (1) Each Alaskan air carrier which does not hold a certificate of public convenience and necessity, each Alaskan air carrier holding a certificate of public convenience and necessity which has been relieved from complying with the requirements of paragraph (a) of this section, and each Alaskan pilot owner (as defined in § 292.2 of this chapter) for all periods subsequent to June 30, 1948, shall make periodic financial and operating statistical reports to the Board using the appropriate schedules of the Report of Financial and Operating Statistics (Alaska), CAB Form 2790¹ and such amendments thereto as may be approved hereafter by the Board.

(2) The reports required by paragraph (a) of this section with respect to Alas-

kan air carriers holding certificates of public convenience and necessity and by subparagraph (1) of this paragraph shall be filed with the Director of the Alaska Office, at Anchorage, Alaska, at such times as may be specified by the Director and shall be made in accordance with the instructions of the Director relating thereto.

(3) Data reported by individual Alaskan pilot-owners pursuant to subparagraph (1) of this paragraph shall be available for official use on behalf of the Board, but shall otherwise be withheld from public disclosure except as disclosure may be necessary in connection with use of such data in formal proceedings of the Board.

[F. R. Doc. 48-10069; Filed, Nov. 18, 1948; 8:53 a. m.]

[14 CFR, Part 238]

TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES AUTHORIZING INTERSTATE AND OVERSEAS AIR TRANSPORTATION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration the proposed amendment of the Economic Regulations § 238.3 (f) *Provisions as to scheduled stops* (14 CFR 238.3 (f)) to authorize the scheduling of stops not in excess of two hours with respect to flights carrying only property and mail in addition to the normal crew. This will permit stops of a sufficient duration to permit loading and unloading of property and mail.

At the present time, scheduled stops are limited to 45 minutes, which is believed to be adequate for passenger operations, but insufficient for extensive property handling operations.

The proposed new paragraph § 238.3 (f) is set forth in the attached proposed rule.

This regulation is proposed under the authority of sections 205 (a) and 401 (f) of the Civil Aeronautics Act of 1938, as amended. (52 Stat. 984, 988; 49 U. S. C. 425, 481)

Interested persons may participate in the proposed rule making through submission of written data, views or arguments pertaining thereto, in duplicate, addressed to the Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before December 20, 1948, will be considered by the Board before taking final action on the proposed rule.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

It is proposed to amend the Economic Regulations § 238.3 (14 CFR 238.3) *Terms, conditions and limitations of certificates authorizing interstate and overseas air transportation*, as follows:

1. By amending paragraph (f) (1) to read as follows:

(f) *Provisions as to scheduled stops.* (1) A scheduled stop at a point within the continental United States with respect to a flight carrying any passengers

in addition to the crew members, shall not be scheduled to exceed 45 minutes on any flight if the origination or termination of such flight at such point is prohibited by any restriction in the certificate.

(2) A scheduled stop at a point within the continental United States with respect to a flight carrying only property or mail in addition to the crew members, shall not be scheduled to exceed 2 hours on any flight if the origination or termination of such flight at such point is prohibited by any restriction in the certificate.

2. By re-numbering the existing paragraph (f) (2) to (f) (3)

[F. R. Doc. 48-10118; Filed, Nov. 18, 1948; 8:58 a. m.]

[14 CFR, Part 287]

REPRESENTATION OF PRIVATE PARTIES BY PERSONS FORMERLY ASSOCIATED WITH THE BOARD

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board ("Board") has under consideration the proposed amendment of § 287.3 of the Economic Regulations (14 CFR 287.3) to add certain provisions relative to practice before the Board by persons formerly associated with the Board.

Section 287.3 now prohibits certain persons formerly associated with the Board from appearing before the Board in a representative capacity in connection with any proceeding which was pending at the time of such association, within six months after the date of termination of such association. Questions have arisen as to the applicability of this section.

In order (1) to eliminate any future question regarding what constitutes a pending proceeding and (2) to clarify the Board's rules with regard to practice before it by former employees having personal knowledge of particular facts in any proceeding the Board proposes to amend this regulation.

The proposed amendment is set forth in the attached Proposed Rule.

This amendment is proposed under the authority of sections 205 (a), 1001 of the Civil Aeronautics Act of 1938, as amended. (52 Stat. 984, 1017; 49 U. S. C. 425, 641)

Interested persons may participate in the proposed rule making through submission of written data, views or arguments pertaining thereto, in duplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before December 20, 1948, will be considered by the Board before taking final action on the proposed rule.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

It is proposed to amend § 287.3 *Representation of private parties by persons formerly associated with the Board*, as follows:

¹ Filed as part of the original document.

1. By revising § 287.3 (b) to read as follows:

(b) *Personal knowledge of facts.* No person who has been associated with the Board as a member, officer, or employee shall be permitted at any time to appear before the Board in behalf of, or to represent in any manner, any private party in connection with any proceeding or matter if such person, or any one associated with him, personally considered or acquired particular knowledge of the facts of such proceeding or matter while associated in any capacity with the Board.

2. By adding a new paragraph (c) to read as follows:

(c) *Pending proceeding defined.* For the purposes of this section a proceeding shall be considered as pending from the date of receipt by the Secretary of any formal application, complaint, or petition for the institution of a proceeding by the Board or from the time of any order to show cause or other procedures of the Board evidencing the initiation of a proceeding. A consolidated proceeding shall be considered as pending for the purpose of this section from the date of the first individual proceeding therein.

[F. R. Doc. 48-10117; Filed, Nov. 18, 1948; 8:57 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 8, 13]

[Docket No. 8913]

SHIP SERVICE AND COMMERCIAL RADIO OPERATORS

ORDER CONTINUING HEARING AND ORAL ARGUMENT

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of November 1948;

The Commission having under consideration the hearing and oral argument in the above-entitled matter scheduled for November 22, 1948, and in that connection having before it requests dated November 8 and 9, 1948, respectively, of the National Federation of American Shipping and the American Waterways Operators, Inc., for postponement of the date of hearing and oral argument;

It is ordered, That said hearing and oral argument be continued until January 24, 1949.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10123; Filed, Nov. 18, 1948; 8:58 a. m.]

FEDERAL SECURITY AGENCY

Public Health Service

[42 CFR, Part 72]

INTERSTATE QUARANTINE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Surgeon General of the Public Health Service, with the approval of the Federal Security Administrator, proposes to amend, as indicated below, the Interstate Quarantine Regulations contained in Part 72, Title 42, Code of Federal Regulations. In this connection, a hearing will be held in Room 4008, Federal Security Building, South, Third and C Streets SW., Washington 25, D. C., on November 30, 1948, beginning at 10:00 a. m. at which interested persons will have an opportunity to present their views. Persons not desiring to appear personally may submit a written statement of their views prior to the date of the hearing.

Under the proposed amendment, § 72.21 would be revised to read as follows:

§ 72.21 *Lather brushes*—(a) *General requirement.* A person shall not transport, or offer for transportation by the owner or operator of a conveyance, nor shall the owner or operator of a conveyance knowingly transport for another person, in interstate traffic lather brushes made from animal hair or bristles unless:

(1) Such brushes have been imported in compliance with the provisions of § 71.151 of this chapter; or

(2) Such brushes have been manufactured in the United States, its territories, or possessions in compliance with the provisions of paragraphs (b), (c) (d) (e) and (f) of this section.

(b) *Treatment.* The hair or bristles used in such brushes, if other than badger hair, shall be subjected to sterilization or to a treatment found by the Surgeon General, upon application of an interested person and the submission by such person of supporting data, to be effective to destroy anthrax spores in the hair or bristles to be treated. Badger hair shall be subject to the requirement of sterilization or other treatment only if the Surgeon General finds, and so notifies the manufacturer, that the hair was secured from areas, or has been stored or handled under circumstances, likely to render it an agent in the spread of communicable disease from one State or possession to another.

(c) *Sterilization.* Sterilization shall consist of:

(1) Exposure to steam under pressure in an autoclave at a minimum tempera-

ture of 120° C. (248° F.) for 15 minutes for bristles and 20 minutes for hair or

(2) Exposure to streaming steam in an autoclave (not under pressure) at 100° C. (212° F.) for 30 minutes for bristles and 40 minutes for hair.

In either case, the steam temperature shall be measured in the exhaust line at its exit from the autoclave by an indicating thermometer found by the Surgeon General to give reasonable assurance of accuracy, and by a recording thermometer adjusted to read no higher at any time than the indicating thermometer. The time of exposure shall be measured from the moment at which the indicating thermometer reaches the specified sterilization temperature. Recording thermometer charts for each sterilization shall be kept readily available. If hair or bristles are sterilized in bundles, the bundles, which shall not exceed 2½ inches in diameter and 5 inches in length, shall be placed on racks in the autoclave in separate layers so as to permit free circulation of steam through all bundles.

(d) *Handling and storage.* Hair or bristles which have been treated, by sterilization or otherwise, shall be marked with the date of treatment, the method used, and name and location of the establishment at which treatment occurred, and shall be so handled and stored as to prevent their contamination or recontamination with anthrax spores.

(e) *Identifying marks.* Lather brushes shall be marked permanently with the name of the manufacturer or with an identifying mark of the manufacturer registered with the Surgeon General.

(f) *Inspection.* Persons engaged in processing or other handling of hair or bristles for use in lather brushes manufactured for transportation in interstate traffic and persons engaged in manufacturing such lather brushes from hair or bristles shall permit authorized representatives of the Surgeon General to make at any reasonable time such inspection of the plants or other places, including the equipment, operations, and products thereof, at which such manufacturing, processing or handling is carried on as may be necessary in the judgment of such representatives to determine compliance with the provisions of this section.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: November 15, 1948.

J. DONALD KINGSLEY,
Acting Federal Security Administrator

[F. R. Doc. 48-10124; Filed, Nov. 18, 1948; 9:00 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52086]

CONVERSION OF CURRENCY; URUGUAYAN PESO

COLLECTION OF ESTIMATED DUTIES

NOVEMBER 10, 1948.

Reference is made to T. D. 49899, July 26, 1939, in which it was stated that the Federal Reserve Bank of New York was certifying, pursuant to section 522 (c) Tariff Act of 1930, two rates for the Uruguayan peso, designated "controlled" and "noncontrolled"; that the amount of estimated duties to be deposited should be determined by the use of the controlled rate; that liquidation of entries involving the conversion of the Uruguayan peso should be suspended; and that in the meantime only that rate for the Uruguayan peso to be used in estimating duties would appear in the Treasury Decisions.

Beginning July 30, 1948, the Federal Reserve Bank of New York omitted rates for the Uruguayan peso from the list of rates certified daily to the Secretary of the Treasury. The Bank has advised the Treasury Department that for dates on and after October 18, 1948, it will certify daily four separate rates for the Uruguayan peso, which rates are without descriptive titles but will be identified by the letters (a) (b) (c) and (d) with a notation that the application of the rates depends upon the type of merchandise. The Bank further states that, upon request, it will certify the four rates for dates during the interim period from July 31 to October 15, 1948.

Pending the issuance of instructions for the conversion of the Uruguayan peso into United States dollars for the purposes of appraisement and liquidation, only the highest of the four certified rates (i. e., the rate showing the highest amount of United States money per peso) will be published in the Treasury Decisions and that rate shall be used solely for the purpose of calculating estimated duties.

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10993; Filed, Nov. 18, 1948;
8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing
Administration

SELLING LIVESTOCK SALES CO.

NOTICE RELATIVE TO POSTED STOCKYARDS

Notice is hereby given that after inquiry and after consideration of all relevant matter presented pursuant to the notice of proposed posting and rule making published in the FEDERAL REGISTER on October 21, 1948 (13 F. R. 6150) it has been ascertained by me, pursuant to sec-

tion 302 of the Packers and Stockyards Act, 1921 (7 U. S. C. 202) that the stockyard known as the Selling Livestock Sales Company, Selling, Oklahoma, is a stockyard within the definition of a stockyard contained in section 302 of said act, and is, therefore, subject to the provisions of said act.

The attention of the stockyard owners, market agencies, dealers, and other persons concerned is directed to sections 303 and 306 (7 U. S. C. 203 and 207) and other pertinent provisions of said act, and the rules and regulations issued thereunder by the Secretary of Agriculture.

The Packers and Stockyards Act provides for a specified time after the posting of notice at the stockyard for marketing agencies, dealers, and stockyard owners to register and qualify for the operation of their businesses under that act.

There appears to be no good reason to defer the effective date of the foregoing notice in view of that fact. Therefore, it is determined that good cause exists to make this notice, and it shall be, effective immediately, subject to the provisions of the Packers and Stockyards Act.

Done at Washington, D. C., this 15th day of November 1948.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 48-10121; Filed, Nov. 18, 1948;
8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 895, et al.]

ALASKA AIRLINES, INC., ET AL., ADDITIONAL
SERVICE TO BETHEL AND NOME

NOTICE OF ORAL ARGUMENT

In the matter of the applications of Alaska Airlines, Inc., et al., for certificate and amendments of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on December 1, 1948, at 10:00 a. m. (eastern standard time) in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 16, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-10100; Filed, Nov. 18, 1948;
8:53 a. m.]

[Docket No. 2019 et al.]

ADDITIONAL CALIFORNIA-NEVADA SERVICE

NOTICE OF ORAL ARGUMENT

In the matter of the applications for certificates and amendment of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, authorizing the establishment of new, different and/or additional air transportation services of persons, property and mail in the California-Nevada area.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on December 6, 1948, at 10:00 a. m., eastern standard time, in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 15, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 42-10933; Filed, Nov. 18, 1948;
8:53 a. m.]

[Docket No. 2372]

LESLIE D. EMERY; CHARLEVOIX-ST. JAMES
SERVICE

NOTICE OF HEARING

In the matter of the application of Leslie D. Emery, under section 401 of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity authorizing the air transportation of persons, property and mail between the terminal points Charlevoix, Mich. and St. James, Beaver Island, Mich.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on November 29, 1948 at 10:00 a. m. (c. s. t.) in the Perry Hotel, Petoskey, Michigan, before Examiner Richard A. Walsh.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed service is required by the public convenience and necessity.

2. Whether the applicant is a citizen of the United States and is fit, willing, and able to perform the proposed air transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before

November 29, 1948, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., November 15, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-10087; Filed, Nov. 18, 1948;
8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1110]

WAYNESBORO GAS CO.

ORDER FIXING DATE OF HEARING

NOVEMBER 10, 1948.

Upon consideration of the application filed August 27, 1948, by the Waynesboro Gas Company, a Pennsylvania corporation located in Waynesboro, Pennsylvania, for an order pursuant to section 7 (a) of the Natural Gas Act, as amended, directing the Manufacturers Light and Heat Company to establish a physical connection of its transportation facilities with the distribution system of Waynesboro Gas Company and to furnish natural gas service to that company for distribution in the Borough of Waynesboro, in Franklin County, Pennsylvania, and the reply thereto filed on September 27, 1948, by the Manufacturers Light and Heat Company.

The Commission orders that:

(A) A public hearing be held commencing at 10:00 a. m. (e. s. t.) on December 2, 1948, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented by the application of the Waynesboro Gas Company and answer of the Manufacturers Light and Heat Company.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: November 15, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-10080; Filed, Nov. 18, 1948;
8:48 a. m.]

[Docket No. G-1128]

NORTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

NOVEMBER 12, 1948.

Upon consideration of the application filed September 17, 1948, by Northern Natural Gas Company (Applicant), a Delaware corporation having its principal

place of business at Omaha, Nebraska, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that: Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure for non-contested proceedings, and that this proceeding is a proper one for disposition under the provisions of the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance is filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 2, 1948 (13 F. R. 5795-96).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on November 30, 1948, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: November 15, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-10079; Filed, Nov. 18, 1948;
8:47 a. m.]

[Docket No. G-1129]

NORTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

NOVEMBER 12, 1948.

Upon consideration of the application filed September 20, 1948, by Northern Natural Gas Company (Applicant) a Delaware corporation having its principal place of business at Omaha, Nebraska, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that: Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure for noncontested proceedings, and that this proceeding is a proper one for disposition under the provisions of the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance is filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 2, 1948 (13 F. R. 5796).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on November 30, 1948, at 9:45 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: November 15, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-10078; Filed, Nov. 18, 1948;
8:47 a. m.]

[Project No. 553]

CITY OF SEATTLE, WASH.

NOTICE OF APPLICATION FOR AMENDMENT OF
LICENSE

NOVEMBER 15, 1948.

Public notice is hereby given that the City of Seattle, Washington, licensee for Project No. 553, has filed application for amendment of license for the project to include thereunder, with certain changes and additions, its existing Gorge power development on Skagit River, in Watcom County, Washington, affecting lands of the United States within Mount Baker National Forest.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before December 24, 1948, to the Federal Power Commission, Washington 25, D. C.

[SEAL] J. H. GUTHRIE,
Acting Secretary.

[F. R. Doc. 48-10081; Filed, Nov. 18, 1948;
8:48 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5589]

HOUSE OF LECHLER

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 10th day of November A. D. 1948.

In the matter of Erwin F. Lechler, an individual, trading as House of Lechler.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Everett F. Haycraft, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered, That the taking of testimony and the receipt of evidence begin on Wednesday, November 17, 1948, at ten o'clock in the forenoon of that day (e. s. t.), in Room 500, 45 Broadway, New York, New York.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-10095; Filed, Nov. 18, 1948; 8:50 a. m.]

INTERSTATE COMMERCE
COMMISSION

[Sec. 5a, Application No. 2]

WESTERN TRAFFIC ASSOCIATION

APPLICATION FOR APPROVAL OF AGREEMENT

NOVEMBER 16, 1948.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed by: W. H. Dana, Attorney-in-Fact, Room 428, Union Station Building, Chicago 6, Ill., and Chicago, Burlington & Quincy Railroad Company, 547 W. Jackson Boulevard, Chicago 6, Ill.

Agreement involved. An agreement between and among common carriers by railroad and the Pullman Company, members of the Western Traffic Association

and regional organizations thereof, relating to rates, fares, classifications, divisions, allowances, charges, rules and regulations, and procedures for the joint consideration, initiation or establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 43-10693; Filed, Nov. 18, 1943; 8:50 a. m.]

OFFICE OF DEFENSE
TRANSPORTATION

[Supp.-AO. ODT 1-5F]

DELEGATION OF AUTHORITY TO TRANSPORTATION OFFICER, RAILWAY TRANSPORT DEPARTMENT

1. L. F. Cook, Transportation Officer, Railway Transport Department, Office of Defense Transportation, is hereby authorized to execute and issue in her discretion, subject to such terms and conditions as she may prescribe, and in the name of the Director of the Office of Defense Transportation, the special permits contemplated by § 500.73 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 2971) and the special permits contemplated by General Order ODT 1, Revised, as amended (11 F. R. 8228, 9040, 10616), or as such orders may be hereafter amended, revised, or reissued.

2. The exercise of the powers and authority conferred by this order shall be subject to the general control and supervision of the Director of the Office of Defense Transportation and the Director, Railway Transport Department, Office of Defense Transportation.

This Supplementary Administrative Order ODT 1-5F shall become effective on November 17, 1948.

Supplementary Administrative Order ODT 1-5E (13 F. R. 6007) is hereby revoked as of the effective date of this Supplementary Administrative Order ODT 1-5F.

Issued at Washington, D. C., this 16th day of November 1948.

LEE A. CHRISTIANSEN,
Director, Railway Transport Department, Office of Defense Transportation.

[F. R. Doc. 48-10693; Filed, Nov. 18, 1948; 8:50 a. m.]

SECURITIES AND EXCHANGE
COMMISSION

[File No. 54-133]

INTERSTATE POWER CO. AND OGDEN CORP.

ORDER ALLOWING BRIEFS TO BE FILED IN REGARD TO COMPROMISE PLAN AND PROPOSED FINDINGS AND OPINION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of November A. D. 1948.

A motion having been filed in this proceeding on November 5, 1948, by certain preferred stockholders referred to as the "Colton Group" requesting the Commission

(1) To enter an order severing the issues in this proceeding as they relate to the debenture holders from the remaining issues and to approve immediate distribution to the debenture holders of their distributive shares as provided by a plan proposed by the Colton Group or as proposed by the Compromise Plan filed herein by Ogden Corporation if its proponents consent;

(2) To require the Division of Public Utilities of the Commission or some other officer of the Commission to issue proposed findings, or an intermediate opinion limited to certain subordination issues raised in the proceeding with respect to certain relative rights of Ogden Corporation and the public holders of the preferred stock of Interstate Power Company.

(3) To allow all parties an opportunity following the issuance of such proposed findings or intermediate opinion to adduce any further material evidence with respect to the subordination issues and thereafter to file briefs with, and to argue before, the Commission the merits of the subordination issues and of the respective plans filed by Ogden Corporation and the Colton Group;

(4) To waive its rule of practice requiring the filing of briefs with respect to the motion and in lieu thereof to grant oral argument;

It appearing that the proposed allocations to debenture holders under the Compromise Plan are so interrelated with the proposed compromise of subordination claims, and with the proposed allowances to preferred stockholders and to Ogden Corporation, that severance of the issues relating to the proposed allowances to debenture holders would not be feasible or appropriate, and that the proponents of the Compromise Plan have objected thereto;

It further appearing that evidence has been taken on the subordination claims at hearings held on due notice to security holders during the past five years, that the Compromise Plan proposes a settlement of such claims, and that the record was closed on November 5, 1943 after it appeared that no one was prepared to go forward with additional evidence;

The several participants in this proceeding having made a full statement of their respective positions with respect to the motion on the record before the Hearing Examiner, and the Commission deeming that its rule of practice requiring briefs in support of said motion

should be waived, and having considered the motion and the record made thereon;

It is ordered, That all participants of the Commission other than the Division of Public Utilities shall be allowed until December 20, 1948 to file briefs on the issues raised by the Compromise Plan; that the Division of Public Utilities of the Commission file proposed findings and opinion regarding the Compromise Plan on or before January 20, 1949; and that all participants be allowed until February 7, 1949 to file reply briefs with respect to said proposed findings and opinion; and that oral argument on said issues be held February 15, 1949, at 10 a. m.

It is further ordered, That to the extent the requests of said motion have not been granted herein they are denied, with leave to the Colton Group to renew said motion in connection with its brief and argument on the issues specified above.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-10068; Filed, Nov. 18, 1948;
8:52 a. m.]

[File No. 55-91]

STANDARD GAS AND ELECTRIC CO.

ORDER APPROVING FEE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of November A. D. 1948.

The Commission by order dated November 15, 1944, having approved a plan filed under section 11 (e) of the Public Utility Holding Company Act of 1935 by Standard Gas and Electric Company ("Standard") a registered holding company, providing, among other things, for the retirement of its then outstanding notes and debentures in the principal amount of \$59,000,000, such order having reserved to the Commission jurisdiction as to all fees and expenses to be paid by Standard in connection with the plan; and

Holthusen & Pinkham, attorneys for certain holders of notes and debentures, having filed an application for approval of a counsel fee of \$15,000 plus expenses of \$378.40 as compensation for its services in connection with the section 11 (e) plan; and

After appropriate notice, a public hearing having been held on this and other applications of representatives of holders of notes and debentures, and oral argument heard; and

The applicant having stated that it is willing to accept a reduced fee of \$10,000 plus expenses, as recommended by the Division of Public Utilities of the Commission, and Standard having stated that it has no objection to the payment of such compensation if this Commission approves the application; and

The Commission having considered the record and it appearing that a legal fee in the reduced amount agreed to by Holthusen & Pinkham is not unreasonable: *It is ordered*, That:

(1) The application of Holthusen & Pinkham for a legal fee in the amount of \$10,000, plus expenses of \$378.40 be and hereby is approved, and Standard Gas and Electric Company be and hereby is directed to pay such fee and expenses.

(2) The jurisdiction heretofore reserved in our order of November 15, 1944, over payment of all other fees and expenses be and hereby is continued in effect.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-10071; Filed, Nov. 18, 1948;
8:52 a. m.]

[File No. 70-1971]

NORTHERN VIRGINIA POWER CO. AND THE
POTOMAC EDISON CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 10th day of November A. D. 1948.

The Potomac Edison Company ("Potomac") a registered holding company, and its wholly owned direct subsidiary, Northern Virginia Power Company ("Northern") having filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 and certain rules and regulations promulgated thereunder regarding the following transactions:

The issue and sale by Northern from time to time, but prior to December 31, 1949, of 75,000 shares of common stock, par value \$100 per share, the sales to be to Potomac at par and to occur as funds are needed by Northern, it being proposed that the first installment, of approximately 13,000 shares, be issued and sold by Northern and acquired by Potomac about November 15, 1948; and, the acquisition by Potomac of the foregoing securities of Northern and the pledge thereof as collateral for Potomac's First Mortgage and Collateral Trust Bonds, Potomac as the owner of all of Northern's presently outstanding securities, 82,000 shares of common stock and 1,500 shares of 7% preferred stock (par value \$100 per share) having heretofore pledged those securities;

Notice of the filing of this joint application-declaration having been duly given in the form and manner prescribed by Rule U-23, the Commission not having received a request for a hearing with respect thereto and not having ordered a hearing thereon;

The Commission finding with respect to this joint application-declaration that it meets the applicable statutory standards, that there is no basis for any adverse findings, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions

of the act that this joint application-declaration be, and the same hereby is, permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-10069; Filed, Nov. 18, 1948;
8:52 a. m.]

[File Nos. 70-1976, 70-1981]

MIDDLE WEST CORP. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of November A. D. 1948.

In the matter of the Middle West Corporation, Wisconsin Power and Light Company, File No. 70-1976; Public Service Company of Indiana, Inc., File No. 70-1981.

The Middle West Corporation ("Middle West"), a registered holding company, and its subsidiary, Wisconsin Power and Light Company ("Wisconsin"), a public utility company, having filed a joint application-declaration, and amendments thereto, pursuant to sections 6 (a), 7, 9 (a) 10, 11, 12 (c) 12 (d), and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43, U-44 and U-46 promulgated thereunder, and in connection therewith, Public Service Company of Indiana, Inc. ("Indiana"), also a public utility subsidiary of Middle West, having filed a declaration, and amendments thereto, pursuant to sections 6 (a) 7 and 12 (f) of the act and Rule U-43, promulgated thereunder, regarding the following proposed transactions:

Middle West, the owner of 847,292½ shares of \$10 par value common stock of Wisconsin and 224,586 shares of no par value common stock of Indiana, proposes to distribute in partial liquidation on November 29, 1948, to its stockholders of record on October 29, 1948, one share of Wisconsin's common stock for each four shares of Middle West common stock held and two shares of Indiana's common stock for each 15 shares of Middle West common stock held.

No fractional shares of common stock of Wisconsin or of Indiana will be issued. In lieu thereof, Middle West proposes to distribute to its stockholders non-dividend and non-voting scrip certificates, in bearer form, which are proposed to be issued by Wisconsin and by Indiana in exchange for the deposit of full shares by Middle West. By their terms, the scrip certificates will become void after December 31, 1953, but prior to said time, when combined in amounts equal to full shares of common stock, may be surrendered to the respective companies for full shares of common stock.

It is estimated that scrip certificates representing about 7,100 shares of Wisconsin and 9,000 shares of Indiana will

be issued by these companies respectively. Said shares of common stock, to the extent not delivered against the surrender of scrip certificates, will be cancelled upon the expiration of such scrip certificates.

Middle West further proposes to reserve 3,289 shares of Wisconsin's common stock and 1,750 shares of Indiana's common stock for distribution in respect of 13,118.55 shares of Middle West stock reserved under the plan of reorganization of Middle West Utilities Company, predecessor of Middle West.

In respect of the distribution of full shares of common stock of Wisconsin and Indiana, Middle West reserves the right to fix a reasonable period of time upon the expiration of which all rights of stockholders of Middle West who cannot be located in such period and on behalf of whom no valid claim is made during such period, shall cease and determine, subject, however, to the approval of this Commission with respect to such period of time, the conditions to be complied with and the steps to be taken to make operative the right so reserved.

Middle West further proposes to invite competitive bids for and to sell in separate blocks, in the manner provided by Rule U-50, its remaining holdings of common stock and scrip of Wisconsin and of Indiana not required or reserved for distribution (estimated to be 20,467 shares of Wisconsin and 8,198 shares of Indiana) and its entire holdings of shares of common stock and scrip of Indiana Gas & Water Company, Inc. ("Gas-Water") a subsidiary of Indiana, (estimated to be 43,853 shares) Middle West requests that, if the proposed sales are not excepted from Rule U-50 by virtue of paragraph (a) (4) thereof, the ten-day notice period for inviting bids provided in Rule U-50 be shortened to not less than six days. It is stated that Middle West will use the proceeds from the sales of the common stocks of Wisconsin, Indiana, and Gas-Water to purchase 125,000 shares of common stock, \$10 par value, of its subsidiary, Kentucky Utilities Company, the acquisition of which has heretofore been approved by order of this Commission dated September 29, 1948 (Holding Company Act Release No. 8540).

Middle West's expenses in connection with the proposed transactions are estimated at \$17,500, including legal fees of \$2,500.

Middle West represents that the transactions proposed herein will effectuate a partial liquidation of the company as authorized by its stockholders and will tend to effectuate the provisions of section 11 (b) of the act.

Said application-declaration of Middle West and Wisconsin having been filed on October 18, 1948, and the last amendment thereto having been filed on November 9, 1948, and said declaration of Indiana having been filed on October 23, 1948, and the last amendment thereto having been filed on November 9, 1948; and notice of said filings having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with re-

spect to said application-declaration, or said declaration, within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Public Service Commission of Indiana having, on October 23, 1948, issued an order approving the issue and use of scrip certificates by Indiana; and it appearing that no other regulatory body other than this Commission has jurisdiction over any of the proposed transactions; and

The Commission finding that the proposed sales by Middle West of the remaining shares of the common stock of Wisconsin, Indiana and Gas-Water are exempt from the provisions of Rule U-50 by virtue of sub-paragraph (a) (4) thereof, and it appearing that Middle West nevertheless desires to sell said shares pursuant to competitive bidding and in the manner prescribed in said Rule, and it appearing that Middle West intends to maintain competitive conditions with respect to such sales, as required by section 12 (d) of the act, by inviting bids in the manner provided for in Rule U-50, and the Commission deeming it appropriate to reserve jurisdiction over the results of competitive bidding; and

The Commission further finding, subject to the conditions specified below, that the other requirements of the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary with respect to said application-declaration, as amended, of Middle West and Wisconsin, and also with respect to said declaration, as amended, of Indiana, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, and said declaration, as amended, be granted and permitted to become effective, subject to such conditions, and that the request of applicants-declarants that the Commission's order be accelerated and become effective forthwith be granted; and

Middle West having requested that the Commission's order granting and permitting to become effective the application-declaration, as amended, conform to the requirements of sections 371, 372, 373 and 1808 (f) of the Internal Revenue Code as amended, and the Commission deeming it appropriate to grant such request;

It is ordered, That, pursuant to Rule U-23 and the applicable provisions of the act, said application-declaration, as amended, of Middle West and Wisconsin and said declaration, as amended, of Indiana be, and the same hereby are, granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and subject to the following further conditions:

1. That the proposed sales of the common stocks of Gas-Water, Wisconsin and Indiana by Middle West shall not be consummated until the results of competitive bidding have been made a matter of record in this proceeding and a further order shall have been entered by the Commission in the light of the record so completed, which order may contain such further terms and conditions as may

then be deemed appropriate, jurisdiction being reserved for such purpose.

2. That jurisdiction is hereby reserved with respect to all accounting entries proposed to be made by Middle West in connection with the transactions herein.

It is further ordered, That jurisdiction be, and hereby is, reserved to take such further action as may be necessary with respect to the determination of the rights of stockholders of Middle West who cannot be located and on behalf of whom no valid claim is made to participate in the distributions of full shares of common stock of Wisconsin and of Indiana proposed to be made by Middle West.

It is further ordered and recited, That the distribution by Middle West to its stockholders of record at the close of business on October 29, 1948, in partial liquidation of The Middle West Corporation, of one share of common stock of Wisconsin of the par value of \$10 each for each four shares of common stock of Middle West and two shares of the common stock without par value of Indiana for each 15 shares of common stock of Middle West, outstanding on said date; the distribution of scrip certificates to be issued by Wisconsin and by Indiana, respectively, in lieu of fractional shares of Wisconsin and of Indiana; and the sale of 20,467 shares of common stock of Wisconsin of the par value of \$10 each, 8,193 shares of common stock of Indiana without par value and 43,853.92 shares of common stock of Gas-Water of the par value of \$10 each at prices to be determined by competitive bidding, and the expenditure of the proceeds from the sale of the common stocks of Wisconsin, Indiana and Gas-Water for the purchase of common stock, par value \$10 per share, of its subsidiary, Kentucky Utilities Company, at par, in the manner provided in the application-declaration filed in this proceeding, are, and each is necessary or appropriate to the integration or simplification of the holding company system of Middle West and are necessary or appropriate to effectuate the provision of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-10335; Filed, Nov. 18, 1948;
8:45 a. m.]

[File No. 70-1935]

AMERICAN GAS AND ELECTRIC CO.

SUPPLEMENTAL ORDER GRANTING
APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of November A. D. 1948.

The Commission having by order dated November 3, 1948 granted the application of American Gas and Electric Company ("American Gas") a registered holding company, pursuant to Rule U-100 of the general rules and regulations promulgated under the Public Utility Holding Company Act of 1935 for exemption from the requirements of Rule U-44 thereof

with respect to the proposed distribution by way of dividends of certain shares of the common stock of Atlantic City Electric Company ("Atlantic City") and

American Gas having requested that the Commission issue a further order containing recitations conforming with the requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement E thereof; and

The Commission deeming it appropriate to grant such request:

It is ordered and recited, That the transactions proposed in the application of American Gas, including the transactions specified below, are necessary and appropriate to the integration or simplification of the holding company system, of which American Gas is a member, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

(a) The transfer, pursuant to the dividend distributions described in the application of American Gas, of an aggregate number of shares of common stock of Atlantic City equal to $\frac{3}{100}$ ths of one share of common stock of Atlantic City on each one share of American Gas on each of the dividend payment dates of December 15, 1948, and March 15, 1949, including therein not more than 179,310 additional shares of common stock of Atlantic City which were not specified in our order of April 7, 1947 (File No. 54-155)

(b) The transfer, pursuant to the sale by American Gas on the over-the-counter market, of such number (not in excess of 100) of shares of common stock of Atlantic City as may be owned beneficially by American Gas after the distributions mentioned in paragraph (a) above;

(c) The issuance by American Gas of scrip certificates for fractions of shares of common stock of Atlantic City in connection with the proposed dividends of American Gas described therein;

(d) The transfer to American Gas by the scrip agent upon the termination of the rights of the holders of outstanding scrip certificates of the cash allocable to such scrip certificates, as described in the plan of American Gas; and

(e) The purchases and sales of scrip certificates and stock certificates by the scrip agent in accordance with the plan of American Gas.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 48-10072; Filed, Nov. 18, 1948;
8:52 a. m.]

[File Nos. 70-1989, 70-1990]

CENTRAL AND SOUTH WEST CORP. ET AL.

MEMORANDUM, FINDINGS AND ORDER GRANTING APPLICATION AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of November A. D. 1948.

In the matter of Central and South West Corporation, File No. 70-1989; Central and South West Corporation, Central Power and Light Company, Southwestern Gas and Electric Company, File No. 70-1990.

Central and South West Corporation ("Central and South West") a registered holding company, has filed a declaration, and amendments thereto, pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule U-50 promulgated thereunder; and Central and South West and its subsidiaries, Central Power and Light Company ("Central Power") and Southwestern Gas and Electric Company ("Southwestern") have filed a separate joint application-declaration, and an amendment thereto, pursuant to sections 6 (a), 7, 9 (a) 10 and 12 (f) of the act and Rule U-43 promulgated thereunder. The transactions proposed by applicants-declarants are summarized as follows:

Central and South West proposes to issue and sell 659,606 shares of additional common stock, \$5 par value. Said shares of common stock are to be offered to the holders of the company's presently outstanding common stock of record at the close of business on November 18, 1948, in accordance with their preemptive rights, for a period of 15 days, on the basis of one share of additional common stock for each ten shares of common stock held. The subscription price will be the price per share to be determined by competitive bidding for the unsubscribed shares. The rights to subscribe will be evidenced by full share and fractional share subscription warrants in transferable form. Any shares of additional common stock not subscribed for by the common stockholders will be sold by the company to underwriters at competitive bidding pursuant to Rule U-50.

Central and South West requests that the ten-day notice period for inviting bids as provided by Rule U-50 be shortened to a period of not less than six days.

The net proceeds to be received by Central and South West from the issue and sale of the additional shares of common stock will be invested in common stocks of Central Power and Southwestern.

Central Power proposes to amend its Articles of Incorporation so as to increase its authorized common stock amounting to 1,072,100 shares, \$10 par value, by such number of shares as will be equal to: (a) 350,000 shares and (b) such number of shares as may be purchased by Central and South West, at par, with approximately 60% of the net proceeds, in excess of \$6,000,000, to be received by Central and South West from the proposed sale of its additional shares of common stock. After the adoption of the amendment, Central Power proposes to issue and sell to Central and South West, owner of all of Central Power's outstanding common stock, 350,000 shares of common stock, \$10 par value, for cash, at par, and such additional number of shares of common stock as will be authorized by said amendment under clause (b) above.

Southwestern proposes to increase the stated value of the 500,000 outstanding shares, no par value, of its common stock from \$6,800,000, as shown on its books,

to \$9,500,000 by transferring on its books the sum of \$2,700,000 from earned surplus to common stock capital account, and thereafter, to amend its Certificate of Incorporation, as amended, so as to increase its total authorized common stock from 500,000 shares, no par value, to 1,500,000 shares, \$10 par value, and to change the 500,000 shares, no par value, of its common stock now outstanding into 950,000 shares, \$10 par value. After the adoption of the proposed amendment, Southwestern proposes (a) to issue and deliver to Central and South West certificates for 950,000 shares of common stock, \$10 par value, of Southwestern upon the surrender for cancellation by Central and South West of certificates representing the outstanding 500,000 shares of common stock, no par value, of Southwestern, and (b) to issue and sell to Central and South West, for cash, at par, 250,000 shares of common stock, \$10 par value, of Southwestern and such additional number of shares of its common stock, \$10 par value, as may be purchased by Central and South West, at par, with approximately 40% of the net proceeds, in excess of \$6,000,000, to be received by Central and South West from the proposed sale of its common stock.

The net proceeds to be received by Central Power and Southwestern from the sales of their common stock will be used by them to finance their construction programs. The record indicates that Central Power's construction budget for the years 1948-1951, inclusive, amounts to \$33,438,900, while the construction budget of Southwestern for the same period amounts to \$26,234,600. It appears that not only these companies but also the other subsidiaries¹ of Central and South West are engaged in extensive expansion programs. The record discloses that the subsidiaries of Central and South West estimate that they will expend an aggregate of approximately \$104,000,000 for construction during the period 1948-1951 inclusive. It is presently contemplated that the construction program will be financed through the issuance of approximately \$20,500,000 of debt and \$7,000,000 of preferred stock by the subsidiaries, together with the proceeds of \$28,000,000 of bonds issued between December 1947 and May 1948, and approximately \$6,000,000 to be received from the presently proposed sale of additional common stock. The remaining cash requirements for construction will be supplied through retained earnings and provisions for depreciation and amortization during the 1948-1951 period.

We note that no provision is made in the new money requirements of the subsidiaries for an increase in common stock equity (other than by the instant filing). In approving the present transactions we are doing no more than approving the present increase in equity capital and our action is in no way to be construed as an indication that we are giving any approval to the projected methods of satisfying future capital requirements.

¹ Public Service Company of Oklahoma and West Texas Utilities Company.

Central and South West estimates that its fees and expenses (other than compensation to underwriters) in connection with the issuance of additional common stock will aggregate \$110,000, including legal fees of \$17,500. The fee of independent counsel for the underwriters has been estimated at \$7,000. Central Power and Southwestern estimate that their expenses in connection with the issue and sale of common stock will aggregate \$12,000. It is stated that the expenses with respect to the acquisition of the common stocks of Central Power and Southwestern by Central and South West are estimated to be nominal.

The Arkansas Public Service Commission has approved the transactions proposed by Southwestern; and it is stated that no other regulatory body other than this Commission has jurisdiction over any of the proposed transactions.

The said declaration and said application-declaration having been filed on October 29, 1948, and the last amendment thereto having been filed on November 10, 1948, and notice of said filings having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration or application-declaration within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary with respect to said declaration, as amended, of Central and South West, and also with respect to said application-declaration, as amended, of Central and South West, Central Power and Southwestern, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, and said application-declaration, as amended, be granted and permitted to become effective, subject to the terms and conditions set forth below, and the Commission further deeming it appropriate to grant applicants-declarants request that the order be accelerated and become effective upon issuance thereof:

It is ordered, That, pursuant to Rule U-23 and the applicable provisions of the act, said declaration, as amended, of Central and South West and said application-declaration, as amended, of Central and South West, Central Power, and Southwestern be, and the same hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the additional condition that the proposed issuance and sale of common stock by Central and South West shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record in these proceedings and a further order shall have been entered by the Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for such purpose.

It is further ordered, That, in accordance with the request of Central and

South West, the ten-day notice period for inviting bids as provided by Rule U-50 be, and the same hereby is, shortened to a period of not less than six days.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 78-10066; Filed, Nov. 18, 1948;
8:46 a. m.]

[File No. 70-1932]

WEST PENN ELECTRIC CO. AND THE POTOMAC
EDISON CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of November A. D. 1948.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by The West Penn Electric Company ("West Penn Electric"), a registered holding company, and its direct subsidiary, The Potomac Edison Company ("Potomac Edison"), a registered holding company and an operating utility company.

Notice is further given that any interested person may, not later than November 26, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues, if any, of law or fact proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 26, 1948 said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

All interested persons are referred to said joint application-declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

Potomac Edison proposes to issue and sell for cash to the general public through underwriters, pursuant to the competitive bidding requirements of Rule U-50, --% Series First Mortgage and Collateral Trust Bonds, due 1977, in the principal amount of \$5,500,000 and --% Cumulative Preferred Stock, Series B, par value \$100 per share, in the aggregate amount of 30,000 shares. Potomac Edison also proposes to issue and sell 75,000 shares of common stock, without nominal or par value, to West Penn Electric and West Penn Electric proposes to acquire these shares for a total cash consideration of \$1,500,000. West Penn Electric now owns all of the outstanding common stock of Potomac Edison, consisting of 375,000 shares.

The net proceeds from the sale of these bonds, preferred stock, and common stock are to be used for the construction of needed property additions and improvements by Potomac Edison and its public utility subsidiaries. It is represented in the filing that the issue and sale of all of these securities is subject to the approval of the Public Service Commission of Maryland.

The filing designates sections 6, 7, 9, 10, 12 (d) and 12 (f) of the act and Rules U-43, U-44, and U-50 as being applicable to the transactions proposed in the joint application-declaration.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-10370; Filed, Nov. 18, 1948;
8:52 a. m.]

[File No. 70-1937]

OKLAHOMA GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in Washington, D. C. on the 12th day of November 1948.

Notice is hereby given that an application and a declaration has been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Oklahoma Gas and Electric Company, a subsidiary of Standard Gas and Electric Company, a registered holding company. Applicant-declarant designates section 6 (b) of the act and Rules U-23, U-24 and U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than November 26, 1948, at 12:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter such application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below.

Applicant-declarant proposes to issue and sell pursuant to the competitive bidding provisions of Rule U-50, \$7,500,000 principal amount of its First Mortgage Bonds, ("New Bonds") Series due December 1, 1978. The New Bonds will be issued under the provisions of an Indenture, dated February 1, 1945, between

applicant-declarant and The First National Bank and Trust Company of Oklahoma City, Trustee, as supplemented by a new Supplemental Trust Indenture dated as of December 1, 1948, on the following basis: \$4,000,000 principal amount of New Bonds on the basis of permanent additions and \$3,500,000 principal amount of New Bonds on the basis of the retirement of \$3,500,000 principal amount of applicant-declarant's outstanding, First Mortgage Bonds, 2¾%, Series of 1947 due February 1, 1975, pursuant to the provisions of Articles V and VI, respectively, of said Indenture. The First Mortgage Bonds, Series of 1947 due February 1, 1975, 2¾%, so retired will be cancelled upon the prepayment of applicant-declarant's presently outstanding Secured Notes (\$3,500,000) which such bonds now secure.

Applicant-declarant states that the proceeds from the issuance and sale of the New Bonds will be applied to the prepayment, without premium, of \$3,500,000 of 1¼% Secured Notes and \$2,000,000 of 2¼% unsecured notes. The balance is to be applied to the payment of construction expenditures.

The invitation for bids provides that each proposal for the purchase of the New Bonds shall specify (a) the coupon rate (which shall be a multiple of ½ of 1%) of the New Bonds, and (b) the price (exclusive of accrued interest) to be paid for the New Bonds, which price shall be expressed as a percentage of the principal amount of New Bonds and shall be not less than 100% and not more than 102¾% of the principal amount thereof.

Applicant-declarant requests authority to shorten the ten-day notice period for bids provided for by Rule U-50 to six days, if deemed advisable by applicant-declarant because of market conditions at the time of publication for bids.

Applicant-declarant has filed applications with the Corporation Commission of the State of Oklahoma and the Arkansas Public Service Commission regarding the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-10067; Filed, Nov. 18, 1948;
8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 60, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12289]

ISAMU SAM ODA

In re: Cash owned by Isamu Sam Oda. D-39-19000-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Isamu Sam Oda, whose last known address is Japan, is a resident of

Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: Cash in the sum of \$1,009.13, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Isamu Sam Oda, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-10101; Filed, Nov. 18, 1948;
8:54 a. m.]

[Vesting Order 12292]

MINORU HAJIME SAKATA

In re: Cash owned by Minoru Hajime Sakata. F-39-6165.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minoru Hajime Sakata, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: Cash in the sum of \$584.78, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of

ownership or control by Minoru Hajime Sakata, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-10102; Filed, Nov. 18, 1948;
8:54 a. m.]

[Vesting Order 12294]

YOSHITAUGU TAGA

In re: Cash owned by Yoshitaugu Taga. F-39-6299.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoshitaugu Taga, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the property described as follows: Cash in the sum of \$508, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Yoshitaugu Taga, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10103; Filed, Nov. 18, 1948;
8:54 a. m.]

[Vesting Order 12293]

FRANK X. WEITZEL

In re: Stock owned by Frank X. Weitzel. F-28-35-D-1/D-2/D-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frank X. Weitzel, whose last known address is Langenhardstrasse 1, Frieberg, Baden, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: a. One (1) share of \$1 par value common capital stock of Stokely-Van Camp, Incorporated, 941 North Meridian Street, Indianapolis, Indiana, a corporation organized under the laws of the State of Indiana, evidenced by a certificate numbered NO 2367, registered in the name of Frank X. Weitzel, together with all declared and unpaid dividends including stock dividends thereon,

b. Three (3) shares of \$1 par value common capital stock of Thomas Young Orchids, Incorporated, Harris and Union Avenues, Bound Brook, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered 1176, registered in the name of Frank X. Weitzel, together with all declared and unpaid dividends thereon, and

c. Three (3) shares of \$5 par value common capital stock of Case, Pomeroy & Company, Incorporated, 1 Cedar Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered C 3139, registered in the name of Frank X. Weitzel, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10104; Filed, Nov. 18, 1948;
8:54 a. m.]

[Vesting Order 12293]

KINZO WAKAYAMA

In re: Cash owned by Kinzo Wakayama also known as Ernest Kinzo Wakayama. F-39-6304.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kinzo Wakayama also known as Ernest Kinzo Wakayama, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: Cash in the sum of \$3,242.67, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kinzo Wakayama also known as Ernest Kinzo Wakayama, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate

consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10105; Filed, Nov. 18, 1948;
8:54 a. m.]

[Vesting Order 12300]

NOBUO WAKI

In re: Cash owned by Nobuo Waki also known as Nobuo Frank Waki. F-33-6305.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nobuo Waki also known as Nobuo Frank Waki, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: Cash in the sum of \$600, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Nobuo Waki also known as Nobuo Frank Waki, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10106; Filed, Nov. 18, 1948;
8:54 a. m.]

[Vesting Order 12302]

FRANZ CARL KOENIG

In re: Estate of Franz Carl Koenig, deceased. File No. D-28-12461, E. T. sec. No. 16873.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ferdinand Koenig and Jean (John) Koenig, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Franz Carl Koenig, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Raymond A. Spelser and Luther A. Fifer, as executors, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10107; Filed, Nov. 18, 1948;
8:54 a. m.]

[Vesting Order 12303]

JUKICHI MONJI

In re: Rights of Jukichi Monji under insurance contract. File No. F-39-4672-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jukichi Monji, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. WS-62844, issued by the California-Western States Life Insurance Company, Sacramento, California, to Jukichi Monji, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10108; Filed, Nov. 18, 1948;
8:54 a. m.]

[Vesting Order 12304]

MINE MANO ET AL.

In re: Rights of Mine Mano, Makoto Mano, Tadashi Mano and of the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hanako Mano, deceased, under insurance contract. File No. D-39-19182-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mine Mano, Makoto Mano and Tadashi Mano, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan)

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hanako Mano, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan),

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1532-11025, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Mitsuo Mabuchi, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan)

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hanako Mano, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10109; Filed, Nov. 18, 1948;
8:55 a. m.]

[Vesting Order 12305]

HANGO SUMII AND KAZUE SUMII

In re: Rights of Hango Sumii and Kazue Sumii under insurance contract. File No. D-39-11672-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hango Sumii and Kazue Sumii, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan),

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 15,006,914, issued by the New York Life Insurance Company, New York, New York, to Hango Sumii, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Hango Sumii or Kazue Sumii, nationals of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10110; Filed, Nov. 18, 1948;
8:55 a. m.]

[Vesting Order 12307]

PETER WURZEL

In re: Estate of Peter Wurzel, deceased. File No. D-28-8742; E. T. sec. 10629.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adam Wurzel, Philip Wurzel, Matthaus Wurzel, Catherine Wurzel, Christian Wurzel, Peter Wurzel, Eangalberth Wurzel, Gretechel Wurzel, Ezil Wurzel, and Philip Wurzel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Peter Wurzel, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Elizabeth C. Wurzel, as Administratrix, acting under the judi-

cial supervision of the Probate Court, Norfolk County, Massachusetts;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10111; Filed, Nov. 18, 1948;
8:55 a. m.]

[Vesting Order 12323]

ALLRIKE KNOOP ET AL.

In re: Real property, interests in real property, property insurance policies and a claim owned by Allrike Knoop, and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9783, and pursuant to law, after investigation, it is hereby found:

1. That Allrike Knoop, J. Allmer Knoop, Johanne Knoop, also known as Johann Knoop, and J. Hinrich Knoop, whose last known addresses are Rechtenfiet, Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the property described as follows: a. Real property, situated in the City of Baltimore, State of Maryland, particularly described as Parcels Nos. 1 to 9, inclusive, of Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. The reversionary or ground rent interest in and to the real property, situated in the City of Baltimore, State of Maryland, particularly described as Parcels Nos. 10 to 13, inclusive, of Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

c. All right, title and interest of the persons named in subparagraph 1 hereof, in and to the property insurance policies described in Exhibit B, attached hereto and by reference made a part hereof, which policies insure the real property described in subparagraph 2-a, and

d. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof, by the Mercantile Trust Company of Baltimore, Baltimore, Calvert and Redwood Streets, Baltimore, Maryland, arising out of the rents collected on the property described in subparagraphs 2-a and 2-b hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-a and 2-b hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-c and 2-d, hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All those certain lots and parcels of real estate situate, lying and being in the City of Baltimore, State of Maryland, described as follows:

Parcel No. 1. Lot No. 1525 West Baltimore Street, frontage of 23 feet with depth of even width of 129 feet.

Parcel No. 2. 1633 W. Pratt Street, 14' x 67' City Reg. Ward 10, Sect. 12, Block 232, Folio 216, Line 17.

Parcel No. 3. 213 S. Vincent Street, 12'10" x 74' City Reg. Ward 10, Sect. 12, Block 272, Folio 219, Line 7.

Parcel No. 4. 215 S. Vincent Street, 12'10" x 74' City Reg. Ward 10, Sect. 12, Block 232, Folio 219, Line 8.

NOTICES

Parcel No. 5. 217 S. Vincent Street, 12'10" x 74' City Reg. Ward 19, Sect. 12, Block 262, Folio 219, Line 9.

Parcel No. 6. 219 S. Vincent Street, 12'10" x 74' City Reg. Ward 19, Sect. 12, Block 262, Folio 219, Line 10.

Parcel No. 7. 1617 W. Baltimore Street, 14' 6" x 83' City Reg. Ward 19, Sect. 7, Block 210, Folio 101, Line 3. 1618 Frederick Avenue (part of lot 1617 W. Baltimore Street).

Parcel No. 8. 1619 W. Baltimore Street, 14' 6" x 90' City Reg. Ward 19, Sect. 7, Block 210, Folio 101, Line 2. 1620 Frederick Avenue, (part of lot 1619 Baltimore Street).

Parcel No. 9. 113 S. Payson Street, 14' x 57'6" City Reg. Ward 20, Sect. 12, Block 242, Folio 400, Line 14.

Parcel No. 10. Annual ground rent out of property 210 S. Gilmore Street, Lot 12' x 74' City Reg. Ward 9, Sect. 12, Block 262, Folio 218, Line 22.

Parcel No. 11. Annual ground rent out of property 212 S. Gilmore Street, lot 12' x 74' City Reg. Ward 9, Sect. 12, Block 262, Folio 218, Line 22.

Parcel No. 12. Annual ground rent out of property 214 S. Gilmore Street, lot 12' x 74' City Reg. Ward 9, Sect. 12, Block 262, Folio 218, Line 20.

Parcel No. 13. Annual ground rent out of property 216 S. Gilmore Street, lot 12' x 74' City Reg. Ward 9, Sect. 12, Block 262, Folio 218, Line 19.

EXHIBIT B

Name of company and address	Type	Number	Amount	Expiration date	Property covered
Glens Falls Insurance Co., Glens Falls, N. Y.	Plate glass.	158953		Nov. 9, 1948	1525 West Baltimore St.
Insurance Co. of North America, 1600 Arch St., Philadelphia, Pa.	Fire and extended coverage.	204567	10,000	Jan. 4, 1950	\$7,000 on building, 1525 West Baltimore St.
London & Lancashire Co., 103 John St., New York, N. Y.	do.	L57210	3,400	June 18, 1950	\$3,000 on building, rear of 1525 West Baltimore St., being 1525 1/2 Booth St.
Do.	do.	L57209	4,100	do.	\$1,700 on building, 1618 Frederick Ave.
Insurance Co. of North America, 1600 Arch St., Philadelphia, Pa.	do.	207087	2,600	do.	\$1,700 on building, 1620 Frederick Ave.
Do.	do.	62743	2,000	do.	\$2,050 on building, 1617 West Baltimore St.
Do.	do.	83466	3,000	Jan. 4, 1951	\$1,300 on building, 1618 Frederick Ave.
Manhattan Fire & Marine Insurance Co., 69 John St., New York, N. Y.	do.	163332	2,000	Oct. 1, 1950	\$1,300 on building, 1620 Frederick Ave.
Central Insurance Co. of Baltimore, Holiday and Fayette Sts., Baltimore, Md.	do.	96067	4,000	June 22, 1951	\$1,460 on building, 1617 West Baltimore St.
Liverpool & London & Globe Insurance Co., Ltd., 100 William St., New York, N. Y.	do.	252056	3,670	June 20, 1950	\$1,460 on building, 1619 West Baltimore St.
Indemnity Insurance Co. of North America, 1600 Arch St., Philadelphia, Pa.	Public liability and property damage.	FML 316		Dec. 15, 1950	1633 West Pratt St. 113 South Payson St.

[F. R. Doc. 48-10112; Filed, Nov. 18, 1948; 8:55 a. m.]

[Vesting Order 12327]

HILDA PFISTERER ET AL.

In re: Household furniture, furnishings and fixtures owned by Hilda Pfisterer, Ella Pfisterer, Albert Pfisterer, Hans Pfisterer and Gerd Pfisterer.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons, whose names and last known addresses appear below, are residents of Germany and nationals of a designated enemy country (Germany)

Name and Last Known Address

Hilda Pfisterer, Heidelberg, Germany.
Ella Pfisterer, Heidelberg, Germany.
Albert Pfisterer, Tunsirch O/S, Germany.
Hans Pfisterer, Germany.
Gerd Pfisterer, Germany.

2. That the property described as follows: All those certain household furniture, furnishings and fixtures owned by the persons named in subparagraph 1 hereof, located on the real property in Beverley Shores, Porter County, Indiana, particularly described in Parcel 2 of Exhibit A, attached to Vesting Order 10654, and by reference made a part thereof, including particularly but not limited to those items described in Exhibit A, attached hereto and by reference made a part hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

9 piece walnut set consisting of:

3 chairs.
2 arm chairs.
1 reclining chair and ottoman.
1 davenport.
1 extension table.
1 magazine table.
1 table lamp.
1 day-bed.
1 ash tray stand.
1 corner hanging gourd decoration.

1 steel cabinet type sink (Model No. 04CN94200).

1 Estate electric cook stove.
1 Gibson electric refrigerator.
1 steel cabinet type kitchen work table.
1 steel wall cabinet (3 shelf).
1 steel wall cabinet (2 shelf).
1 breakfast table (4 x 5 1/2).
3 benches.

1 electric toaster.
1 single walnut bed.
1 single spring.
1 single innerspring mattress.
1 walnut dresser.
1 double folding bed.
1 double folding mattress.
1 medicine cabinet with tube light.
1 walnut double bed.
1 double bed spring.
1 double bed innerspring mattress.
1 walnut dresser.

2 mirrors.
1 odd white chair.
1 ironing board.
1 set of fireplace irons.
Various cooking utensils, dishes, pots, pans, broom, mops, paper towels, bulbs.

[F. R. Doc. 48-10113; Filed, Nov. 18, 1948; 8:56 a. m.]

[Return Order 202]

CHARLES WILLIAM BERTHIEZ

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published, and Property

Charles William Berthiez, Claim No. 31751, September 22, 1948 (13 F. R. 5519); Property described in Vesting Order No. 293 (7 F. R. 9836 November 26, 1942) relating to United States Patent Application Serial No. 415,230 (now United States Letters Patent No. 2,382,392). This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on November 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-10114; Filed, Nov. 18, 1948; 8:56 a. m.]

LEONE COLLEONI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Leone Colleoni, Milan, Italy; 8013; \$16,653.45 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Leone Colleoni in and to the trust estate created under the last will and testament of Irene Ann Colleoni, deceased, Empire Trust Company, New York, N. Y., Trustee.

Executed at Washington, D. C., on November 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-10115; Filed, Nov. 18, 1948; 8:56 a. m.]

ARTHUR FISCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Arthur Fisch, Toronto, Canada, 1343; Property described in Vesting Order No. 201 (8 No. 226—10

F. R. 625, January 10, 1943) relating to United States Letters Patent No. 2,169,957.

Executed at Washington, D. C., on November 12, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAXTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-10110; Filed, Nov. 18, 1948; 8:56 a. m.]

[Vesting Order 12315]

ROBERT LIENAU

In re: Debt owing to Robert Lienau. F-28-6464-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert Lienau, whose last known address is Lankwitzer Str. 9, Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany).

2. That the property described as follows: That certain debt or other obligation owing to Robert Lienau, by Carl Fischer, Inc., 56-62 Cooper Square, New York 3, N. Y., in the amount of \$135.93, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10055; Filed, Nov. 17, 1948; 8:53 a. m.]

[Vesting Order 12312]

ELISABETH FENSKE

In re: Debt owing to Elisabeth Fenske. F-28-27464-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elisabeth Fenske, whose last known address is Feldberg, Mecklenburg, Buergermeisteramt, Germany, Russian Zone of Occupation, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: All those debts or other obligations owing to Elisabeth Fenske by C. A. Goldschmidt, 474 West 238th Street, New York 63, New York, representing a portion of the funds received on May 3, 1940, by the Chase National Bank of the City of New York for credit to an account entitled Karl Goldschmidt or Mrs. Brenda Goldschmidt, together with any and all accruals thereto, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in sub-paragraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-10054; Filed, Nov. 17, 1948; 8:53 a. m.]

[Return order 204]

ARNOLD SCHOENBERG

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the deter-

mination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published, and Property

Arnold Schoenberg, 116 North Rockingham Avenue, Los Angeles 24, Calif., 6758; September 29, 1948 (13 F. R. 5649), \$2,700 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on Nov. 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-10062; Filed, Nov. 17, 1948; 9:01 a. m.]

[Vesting Order 12317]

AUGUST METZGER

In re: Bank account owned by August Metzger. F-28-29152-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Metzger, whose last known address is Wachbach (14a) Kr. Mergentheim, Wuerttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to August Metzger by Central Savings Bank in the City of New York, 2100 Broadway, New York 23, New York, arising out of a Savings Account, account number 1,007,357, entitled August Metzger, maintained at the branch office of the aforesaid bank located at Fourth Avenue at Fourteenth Street, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-10057; Filed, Nov. 17, 1948; 9:00 a. m.]

[Vesting Order 12319]

REICHS-KREDIT-GESELLSCHAFT, A. G.

In re: Bank account owned by Reichs-Kredit-Gesellschaft, A. G. F-28-226-E-12.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Reichs-Kredit-Gesellschaft, A. G., the last known address of which is Postschliessfach N. R. 45, Berlin W 8, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Reichs-Kredit-Gesellschaft, A. G., by Continental Illinois National Bank and Trust Company of Chicago, 231 South LaSalle Street, Chicago, Illinois, arising out of a banking account, entitled Reichs-Kredit-Gesellschaft, A. G., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-10058; Filed, Nov. 17, 1948; 9:00 a. m.]

[Vesting Order 12320]

REICHKREDIT GESELLSCHAFT, A. G.

In re: Bank account owned by Reichkredit Gesellschaft, A. G. F-28-226-E-8.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Reichkredit Gesellschaft, A. G., the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to Reichkredit Gesellschaft, A. G., by The New York Trust Company, 100 Broadway, New York, arising out of a checking account, entitled Reichkredit Gesellschaft, A. G., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-10059; Filed, Nov. 17, 1948; 9:00 a. m.]

[Vesting Order 12325]

MARTHA ILLEIN ET AL.

In re: Bank accounts owned by Martha Illein and others. F-28-28870-E-1, F-28-28872-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Illein, Elsa Illein and Anna Illein, whose last known address is Konrad Reuterstrasse 3, Hamburg-Sasel, Germany, and Freida Ritschel, whose last known address is Hamburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation of The Farmers and Mechanics Savings Bank of Minneapolis, 90 South Sixth Street, Minneapolis 2, Minnesota, arising out of a savings account, account number 85240, entitled John J. Kroplin, in trust for Dorathea Illein, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Martha Illein, Elsa Illein and Anna Illein, the aforesaid nationals of a designated enemy country (Germany),

3. That the property described as follows: That certain debt or other obligation of The Farmers and Mechanics Savings Bank of Minneapolis, 90 South Sixth Street, Minneapolis 2, Minnesota, arising out of a savings account, account number 81957, entitled John J. Kroplin, in trust for Freida Ritschel, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Freida Ritschel, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof, are

not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[P. R. Doc. 43-10323; Filed, Nov. 17, 1948;
9:00 a. m.]

